

Manitoba Ombudsman

750 – 500 Portage Avenue
Winnipeg, Manitoba R3C 3X1
Telephone: (204) 982-9130
Toll Free in Manitoba:
1-800-665-0531
Fax: (204) 942-7803
500 av. Portage, Pièce 750
Winnipeg (MB) R3C 3X1
Téléphone : (204) 982-9130
Sans frais au Manitoba :
1 800 665-0531
Télécopieur : (204) 942-7803

December 9, 2010

The Honourable Kenneth Champagne
Chief Judge
Provincial Court of Manitoba
5th Floor - 408 York Avenue
Winnipeg, MB R3C 0P9

Dear Chief Judge Champagne:

Re: Inquest into the Death of John Erik DEMERY (Maksymetz)

I am writing to advise of the results of the inquiries made by my office concerning the inquest report recommendations dated December 19, 2006, issued by the Honourable Judge Fred H. Sandhu into the death of John Erik Demery.

John Erik was born on April 18, 2001 and died in Winnipeg, Manitoba on August 15, 2003 as a result of contracting bronchopneumonia.

The Chief Medical Examiner called for an inquest pursuant to subsection 19(3) of *The Fatality Inquiries Act*. The inquest report was released on December 22, 2006.

As you are aware, it is the practice of my office to follow up on inquest recommendations when they relate to a provincial department, agency or municipality. In this case, Judge Sandhu made three recommendations to Family Services and Housing now, Manitoba Family Services and Consumer Affairs.

The following are the recommendations and responses we received:

RECOMMENDATION ONE

Manitoba Child and Family Services is to deliver mandatory training to social workers pertaining to the special medical risks and needs of children with Down's syndrome.

FAMILY SERVICES AND CONSUMER AFFAIRS RESPONSE

...the Manitoba Child and Family Services Joint Training Team (JTT) hosted an orientation/information workshop on the social and health-related effects of Down syndrome on September 17, 2008. The workshop was presented by the Canadian Down Syndrome Society of Calgary and all staff from the child welfare system were encouraged to attend. The purpose of the workshop was to orient workers to the service needs of individuals with Down syndrome and the needs of their families.

The JTT utilized the materials presented at the workshop as part of a resource development process - rather than curriculum development - that can be accessible to parents, workers and collaterals who work with individuals with Down syndrome and their families.

After researching the needs of individuals with Down syndrome, the JTT determined that it is more feasible for child welfare workers in Manitoba to have access to readily available resources on an individual basis that can help them to support and advocate for children, rather than ongoing training. A comprehensive resource guide for this purpose was completed and is available through the JTT.

A copy of the resource guide/Down syndrome parent package was provided to my office.

RECOMMENDATION TWO

Society for Manitobans with Disabilities is to deliver appropriate training to its relevantly engaged workers pertaining to the special medical needs of children with Down's syndrome.

FAMILY SERVICES AND CONSUMER AFFAIRS RESPONSE

In response to this recommendation, SMD implemented the following training/information initiatives:

In March 2007, Dr. Charles Ferguson, Director of the Child Protection Centre, conducted a presentation for all SMD staff supporting children on the role of the centre and how to better access and utilize services for issues regarding protection.

In June 2007, Dr. Ab Chudley delivered a training session for the SMD children's staff on the etiology, medical complications and management of children with Down syndrome. Dr. Chudley is a medical geneticist and Professor of Pediatrics and Child Health at the University of Manitoba

In addition to these activities, SMD developed a protection policy and provided a one-day in-service for children's staff employed by the agency.

RECOMMENDATION THREE

Any mandated or non-mandated agency is to deliver appropriate training to its relevantly engaged workers pertaining to the special medical needs of children with Down's syndrome.

FAMILY SERVICES AND CONSUMER AFFAIRS RESPONSE

The Manitoba Child and Family Services Training Unit in consultation with the Canadian Down Syndrome Society, has developed an orientation/information workshop that is designed to address the service needs of children with Down syndrome who are involved with the child welfare system in Manitoba. The Manitoba Chapter of the Down Syndrome Society has agreed to deliver this workshop in collaboration with the JTT as required. Any mandated or non-mandated agency can contact the JTT to facilitate this workshop for staff.

In a further update to my office on November 19, 2010, the Department confirmed that the Manitoba Down Syndrome Society continues to have the capacity to meet the training needs within the child welfare system in Manitoba.

Based on our review of this matter, it would appear that Manitoba Family Services and Consumer Affairs has given reasonable consideration to the above noted recommendations. As such, our file concerning the John Erik Demery Inquest has been closed.

Yours truly,

Original signed by

Irene A. Hamilton
Manitoba Ombudsman

c: Mr. Grant Doak, Deputy Minister of Family Services and Consumer Affairs
Dr. Thambirajah Balachandra, Chief Medical Examiner
Mr. Jay Rodgers, Chief Executive Officer, General Child and Family Services Authority
Mr. Ian Anderson, Chief Operating Officer, SMD Services