VERSION 3

CARE OF VULNERABLE ADULTS

**Toronto Monthly Meeting**

**Of the Religious Society of Friends (Quakers)**

**Policy and Procedures**

**Regarding**

**the abuse of children and vulnerable adults**

Approved by Toronto Monthly Meeting Sept 9, 2017

First Amendment **???**

There are five versions of these policies and procedures:

* Version 1 Master
* Version 2 Care of Children
* Version 3 Care of Vulnerable Adults
* Version 4 Oversight
* Version 5 Staff

The Master version contains all sections, appendices and forms. The other versions are tailored to specific positions, and contain selections from the master version. A spreadsheet filed in the TMM office identifies which sections, appendices, and forms belong in each protocol.

Forms can be found on the TMM website and in the Resident Friend’s Office

Table of Contents

Section 1: Policy 3

Policy statement 3

Policy overview 4

Section 2: RESPONSIBILITIES 5

Responsibilities of Ministry and Counsel 5

Responsibilities of Visiting Committee 5

Responsibilities of Burial Committee 6

Responsibilities of Toronto Friends Sponsoring Refugees (TFSR) 6

Section 3: Procedures 7

Preventive procedures for those working with vulnerable adults 7

Incident procedures for incidents involving vulnerable adults 8

Section 4: Appendices 9

Appendix A: Definitions 9

Appendix B: Legal reporting requirements 11

# Section 1: Policy

## Policy statement

The care of children, young people, and vulnerable adults is a sacred trust. Honouring that trust, Toronto Monthly Meeting is committed to ensuring that they are safe and secure in our care.

The testimony to equality, a belief in the equality of all persons, has been a base tenet of Quaker faith and practice since the beginnings of Quakerism. All persons are to be treated equally, respectfully and with love and care, irrespective of age, race, gender, or ability. Consequently, Toronto Monthly Meeting (TMM) commits itself to do everything possible to create safe environments for its activities in which vulnerable persons, including children and youth, are nurtured, and physical, emotional and sexual abuse is prevented. While it is not the intention of this policy to insulate vulnerable persons, including children and youth, from the balance of challenge and risk that they need for healthy development, we recognize that our peace arises out of right relationships and that children and young people are especially vulnerable to the tragic consequences of broken relationships and abusive treatment. Child abuse in any form, physical, emotional, sexual, as well as neglect, is unacceptable.

Toronto Monthly Meeting is also committed to ensuring that vulnerable adults are safe and secure in our care. Any of us may find ourselves to be vulnerable at different times in our lives.

The following procedures are intended to:

* provide a safe environment for the children, adolescents, and vulnerable adults in our care
* guide us in carrying out our responsibilities
* protect staff and volunteers from false or wrongful allegations
* comply with insurance requirements

The procedures apply to all people active with children or vulnerable persons, regardless of whether the volunteer or staff person is a Friend, Attender, or other, doing ministry or providing services under the care of TMM or on its premises. This includes outside service providers.

## Policy overview

**Risk assessment:**

All the volunteer and staff positions in TMM have been listed and assessed for risk, based on factors like responsibility for children or vulnerable adults, isolation, or oversight of these protocols.

An overall rating of “low”, “medium”, or “high” risk was given to each position.

Police checks are required for “high” risk positions.

Access to children and vulnerable adults depends on this risk assessment.

Risk assessment tables by position can be found on the TMM website.

**Policy summary:**

The policy summary document provides a quick reference for those with responsibilities under the procedures.

It includes details on screening, training, and access to children and vulnerable adults by position.

The document can be found on the TMM website and in the Master Protocol.

# Section 2: RESPONSIBILITIES

### Responsibilities of Ministry and Counsel

Ministry and Counsel shall ensure that

* only members who are “approved adults” provide pastoral care to vulnerable adults
* Committees of Care are assessed for risk when first established, and those considered to be “high risk”, that is caring for a vulnerable adult, be selected and follow special guidelines:
* best practice is to select “approved adults”.
* ideally, they should visit with two people, but if circumstances require, “approved adults” may visit alone”
* records of all pastoral care visits, whether in person, by phone, or by e-mail, are kept in a central binder
* these procedures are followed

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### Responsibilities of Visiting Committee

Visiting Committee shall ensure that

* only members who are “approved adults” visit vulnerable adults, with the exception of “occasional volunteers”, who must be in the company of an “approved adult”
* records of all visits, whether in person, by phone, or by e-mail, are kept in a central binder
* cards or notes recording the visit are left for the family when visits are made to hospitals or nursing homes
* these procedures are followed

### Responsibilities of Burial Committee

Burial Committee shall ensure that

* only members who are “approved adults” provide pastoral care to vulnerable adults
* records of all visits, whether in person, by phone, or by e-mail, are kept in a central binder
* these procedures are followed

### Responsibilities of Toronto Friends Sponsoring Refugees (TFSR)

TFSR shall ensure that

* the Police Check Manager and Nominating Committee are given a list of all committee members, with those who are not TMM members or attenders clearly flagged and with their contact information
* anyone applying to be on the committee who is not a Friend or attender is known to someone on the committee and acceptable to the committee
* the Trustees and Personnel Committee are informed in advance of any hires, such as interpreters
* the Trustees are notified of partnerships with other agencies, and in particular any requirements for screening, insurance, or procedures
* only members who are “approved adults” take part in any activities involving children away from their families, or visit refugee families, with the exception of “occasional volunteers”, who must be in the company of an “approved adult”
* these procedures are followed during all contact with refugees and their children
* refugee families are informed that they and their children can go to a Contact Person if there are any concerns about abuse or harassment of their children involving the Meeting

# Section 3: Procedures

### Preventive procedures for those working with vulnerable adults

Visiting Committee

* Because of the nature of the ongoing care that Visiting Committee offers to vulnerable members of our community, only members who are “approved adults” may visit in person
* When visiting a nursing home or hospital, leave a card or note recording your visit in the room.

Ministry & Counsel

* Individual members of Ministry & Counsel who engage in pastoral care of vulnerable adults on behalf of the Meeting must be “approved adults”
* Committees of Care should be assessed for risk when first established, and those considered to be “high risk”, that is caring for a vulnerable adult, should be selected and follow special guidelines:
	+ best practice is to select “approved adults”.
	+ ideally, they should visit with two people, but if circumstances require, “approved adults” may visit alone”

Burial Committee

* Members of Burial Committee who are offering care and support to a vulnerable individual must be “approved adults”

Toronto Friends Sponsoring Refugees

* Any member who visits the family alone must be an “approved adult”
* “Occasional volunteers” must be with an “approved adult”.

**Record keeping for those working with vulnerable adults**

* Records of all visits, whether in person, by phone, or by e-mail, are to be kept in a central binder
* This applies to, but is not limited to, the above Committees, including Committees of Care

### Incident procedures for incidents involving vulnerable adults

Vulnerable adult” can be defined as: an individual with physical, sensory, mental health and/or intellectual disabilities, permanent or temporary, that lead to a reduced capacity to look after his or her own interests, needs and wellbeing.

1. **Legal Reporting Requirements**

There is no legal [as opposed to moral/ethical] requirement to report suspected abuse of a vulnerable adult.

**2. Confidentiality**

By law, the duty to report overrides the privilege of confidentiality associated with a pastoral relationship.

Otherwise, those involved in the TMM reporting process will keep the names of those involved confidential in order to protect the identity of the vulnerable adult involved, unless the protection of that individual or others may require otherwise.

1. **Reporting obligations within Toronto Monthly Meeting**

In the event that an incident of abuse is alleged to have occurred on the premises of Toronto Monthly Meeting or in the course of activities sponsored by the Meeting, the following procedure shall be followed:

1. Any person who suspects that abuse has taken place must immediately notify the Resident Manager/On Duty Resident or one of the Contact People.
2. The Resident Manager/On Duty Resident or Contact Person receiving notification of the alleged abuse will complete an Incident Report, and inform one of the Trustees of the allegation. If it is a Resident Manager/On Duty Resident who completes an Incident Report, s/he will also notify one of the Contact People, or if they are not available, one of the Trustees.

# Section 4: Appendices

## Appendix A: Definitions

 **“Action”**

“Action” means a Statement of Claim or a similar civil process originating in Canada in which“Compensatory Damages for “Bodily Injury” to which the insurance applies are claimed. “Action” includes an arbitration proceeding claiming such damages (see the Insurance Policy for further details).

**“Approved adults”**

These are adults 18 and over who have had valid Vulnerable Sector police checks within the last three years, and have read and agreed to these procedures via written consent*.*

 **“Child”**

For the purposes of these policies and procedures, a child is a person under the age of 18. (Note that Children’s Aid may not have responsibility for incidents involving persons 16 and older, but should still provide guidance).

 **“Claim”**

“Claim” means a written or oral notice, or notice of an “Action”, alleging that an Insured is legally liable for “Compensatory Damages for “Bodily Injury” to which the insurance applies (see the Insurance Policy for further details).

“Contact People”

One or more Trustees, Clerks, or other individuals appointed by the Trustees. They are responsible for responding to incidents. Their names are posted on the bulletin boards.

 **“Due diligence”**

 "Due diligence" is defined by Black's Law Dictionary as: "such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard but depending on the relative facts of the special case."

It includes a duty to be aware of legal requirements, and a responsibility to act reasonably and prudently in light of these requirements.

**“Occasional volunteers**”

Adults who are invited for a special purpose, such as guest speakers, entertainers, or assistants in a program

**“Police check managers**”

One or more Trustees or other individuals appointed by the Trustees, whose names are registered with the Toronto Police Service. They are responsible for managing the police check application process and the assessment of returned checks.

 **“Respondent”**

Someone who has been accused of an incident; an alleged perpetrator.

**Sexual offences (from the Criminal Code of Canada):**

The Meetings’ insurance policy uses the Criminal Code of Canada (R.S.C., 1985, c. C-46) (Sections 150, 1, 2, 3, 5, 9, 160, 163, 170, 171, 172) to define conduct constituting the sexual offences that are covered by the policy: [http://laws-lois.justice.gc.ca/eng/acts/C-46/page-71.html#h-55](http://laws.justice.gc.ca/eng/C-46/20100114/page-4.html?rp2=HOME&rp3=SI&rp1=sexual%20offence&rp4=all&rp9=cs&rp10=L&rp13=50)

**“Vulnerable adults”**

The *Criminal Records Act* says vulnerable persons are:

“persons who because of their age, a disability or other circumstances, whether temporary or permanent,

* are in a position of dependence on others: or
* are otherwise at greater risk than the general population of being harmed by persons in a position of authority or trust relative to them.”

“Vulnerable adult” might include, but not be limited to: an individual with physical, sensory, mental health, emotional and/or intellectual conditions, permanent or temporary, that lead to a reduced capacity to look after his or her own interests, needs and wellbeing

**Note that refugees in their first year are considered a vulnerable population**

## Appendix B: Legal reporting requirements

The requirements for the reporting of child abuse can be found in the *Child, Youth and Family Services Act*, 2017, s.o. 2017, chapter 14, Section 125, as it may be amended from time to time.

There is no legal requirement to report the abuse of vulnerable adults.

**Summary of the CFSA** (subject to any later amendments):

Duty to report

Every person who has reasonable grounds to suspect a child is or may be in need of protection (as defined by the Act), **must forthwith** report the suspicion and the information on which it is based to the local Children’s Aid Society.

* + this includes physical harm, sexual molestation or exploitation, serious emotional harm, and other causes..

There is an ongoing duty to report, even if previous reports have been made, and the report must be made directly, and not through another person.

Failure to report:

Everybody has a duty to report; professionals (e.g. teachers, daycare supervisors et al who are not volunteers) may be liable to fines or imprisonment for failing to report a suspicion obtained in the course of their professional duties.

**Definitions** (subject to any later amendments):

Section 3.1 of the *CFSA* defines a child as a person under the age of 18 years.

Part III of the Act defines child for the purposes of child protection as an individual under the age of 18.

“Reasonable grounds” are what an average person, given his or her background and experience, and exercising normal and honest judgement, would suspect to be abuse or neglect, or the risk thereof. If a child tells a person directly that s/he is or has been abused, this must be reported immediately.