

VERSION 5 - STAFF

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.

Procedures for reporting an incident can be found in the “Incident Procedures” section of this protocol

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

TABLE OF CONTENTS

Section 1: INTRODUCTION	3
Policy statement	3
Section 3: RESPONSIBILITIES.....	5
Responsibilities of Staff	5
SECTION 4: PREVENTIVE PROCEDURES	6
Preventive procedures for staff contact with children	6
Preventive procedures for children staying overnight.....	7
Preventive procedures for staff contact with vulnerable adults	8
SECTION 5: INCIDENT PROCEDURES	9
Accidental injuries to children.....	9
Incident procedures for staff.....	10
Section 6: Appendices.....	12
Appendix A: Definitions	12
Appendix B: Legal reporting requirements	14

SECTION 1: INTRODUCTION

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.

Any allegation of sexual abuse of a child or vulnerable adult in our care will be treated seriously, investigated, and appropriate actions in response will be taken by the Meeting according to this policy. Procedures for reporting an incident are included.

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 and community expectations

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.

SECTION 3: RESPONSIBILITIES

Responsibilities of Staff

In general, Toronto Monthly Meeting staff are to address crises, and to leave follow-up to the Contact People.

Staff will:

- follow preventive procedures with children and vulnerable adults
- report any incidents involving children or vulnerable adults
- keep the names of those involved confidential, except for reporting or legal requirements. If an incident is discussed with Personnel Committee, names should not be mentioned.
- follow procedures (see also the Resident Friend Handbook) for booking rooms for children under 18 who are either
 - accompanied by an an adult who is not a parent
 - part of an outside group
 - part of a Young Friends' retreat

Staff includes (but is not limited to):

- Resident Friend - Manager
- On Duty Friends
- Office Staff
- Refugee Settlement worker
- Children and Youth Program Committee Facilitator

SECTION 4: PREVENTIVE PROCEDURES

Preventive procedures for staff contact with children

1. Avoid being alone with children

When children are given over to the care of the meeting, there should always be at least two people present with them. These people can then support one another in creating a positive environment for children.

2. Follow an open-door policy when two people cannot be present

There will be occasions when only one person is with a child: for privacy reasons, if a child asks to talk to the person alone, or when it is not possible to have 2 people present. In these cases:

- another adult should know what is happening
- the door should be left ajar.

Preventive procedures for children staying overnight

Children staying overnight in the house	Forms required
With an adult who is a parent	-
With an adult who is not a parent	Parental Consent and Release Form
Young Friends' retreat	Parental Consent and Release Form
With an outside group	Overnight Retreat Rental Form and Contract Agreement, with Hold Harmless Agreement

1. For children staying overnight at Friends' House accompanied by an adult who is not a parent

- Resident Manager or On Duty Residents must obtain signed parental consent on a Parental Consent and Release Form if the child under 18 is not accompanied by a parent.

For further details, see the Resident Manager Handbook.

2. For residential events such as a Young Friends' overnight that are under the care of the Meeting

- The Resident Manager or On Duty Resident must present the application to the Meeting for approval.
- Upon approval, the Resident Manager or On Duty Resident must make sure the following conditions are complied with :
 - The individuals in charge of the event must obtain signed parental consent for each person at the event who is under the age of 18, and provide these to the Resident Manager/On Duty Resident
 - Those in charge must ensure that at least one volunteer over the age of 18 supervising the event has had a police check and training in the protocols, and guarantees that the protocols will be followed

3. For residential events such as retreats run by outside groups

- The Resident Manager and On Duty Resident must use the procedures for outside groups (including obtaining proof of the outside group's parental consent form)
- the outside group will take responsibility for any children in their care

For further details, see the Resident Friend Handbook

All forms and other material should be stored in the waiver binder in the Resident Manager's office.

Preventive procedures for staff contact with vulnerable adults

1. Refer pastoral care

An adult seeking emotional or spiritual counseling or ongoing support should be referred to an appropriate resource

SECTION 5: INCIDENT PROCEDURES

Accidental injuries to children

In the event that a child or youth is injured while under our care, the following steps should be followed:

- For minor injuries, scrapes, and bruises, child carers will provide First Aid (Band-Aids, etc.) as appropriate and will notify the child's parent or guardian of the injury at the time the child is picked up from our care. No pain medication is to be administered except by parents to their own children.
- For injuries requiring medical treatment beyond simple First Aid, the parent and/or guardian will immediately be advised. If warranted by circumstances, an ambulance will be called.

Once the child has received appropriate medical attention, if there have been injuries requiring treatment by a medical professional, an individual with direct knowledge of the incident will report it to a Resident Manager or On Duty Resident, if it has taken place at Friends' House, or to a Contact Person if it has happened elsewhere, and that person will complete an Incident Report.

Incident procedures for staff

1. Overview:

If anyone, child or adult, reports child abuse to you, or if you or they have reasonable grounds to suspect a child is or may be in need of protection (see Appendix on the law), you must follow these incident procedures.

In the event of a report of child abuse, the report to the CAS must be made directly by the person to whom the child reported the abuse—it cannot be done through another person. The person to whom the child reports abuse should stay with the child or leave them with a responsible adult while making the report. Care should be taken not to frighten the child. It is not your role to decide if abuse has actually occurred; it is your role to make the child comfortable and to notify the CAS. Under no circumstances should you engage in investigative questioning of the child, as this could contaminate further investigation.

If you are aware of abuse of a vulnerable adult by a Meeting employee, member, or attender in the course of their duties on behalf of the Meeting, or if someone reports such abuse to you, you must follow these procedures.

2. Ongoing support

You should not provide counselling, but, if asked, you can provide references to any resources that are needed: help-lines, counselling services, etc. Children's Aid or the Kid's Help Phone can be of assistance here.

3. Reporting and followup

If someone has reported a concern to you, inform them that a report needs to be made, and ask for their assistance in filling in the form.

Whether this is your concern or one reported to you, you must ensure that the appropriate Incident Report is filled out in duplicate.

Report this matter to a Contact Person immediately (or if they are not available, one of the Directors) and give them one copy of the report. They will carry out any needed followup measures.

Store the other copy in the locked cabinet in the TMM office.

4. 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 child, unless the protection of that child or other children may require otherwise.

The Contact People will decide who needs to be informed.

If an incident is reported to you, it may be reported to Personnel Committee, but the names should be kept confidential.

SECTION 6: 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 Directors, Clerks, or other individuals appointed by the Directors. 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 infrequent assistants in a program

“Police check managers”

One or more Directors or other individuals appointed by the Directors, 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):

This 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>

“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 refugee adults 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.