

<b>LANARK COUNTY COMMUNITY JUSTICE PROGRAM</b>	<b>POLICIES &amp; PROCEDURES</b>
SECTION: General	DATE: June 18, 2015
SUBJECT: Abuse	HISTORY: Original Policy May 8, 2006
<p><b>1 POLICY</b></p> <p>1.01 It is the policy of the Lanark County Community Justice Program (LCCJP) that there shall be no abuse or neglect, whether physical, emotional, sexual, verbal or psychological of any children, youth or adults accessing its services. LCCJP expects every volunteer and staff member to take reasonable steps to safeguard the welfare of its participants and to protect them from any kind of maltreatment.</p> <p>1.01 Section 72 of Ontario’s Child and Family Services Act (CFSA) states that members of the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection to a Children’s Aid Society. LCCJP requires all staff and volunteers to adhere to the requirements of the CFSA under this policy.</p> <p>1.02 All staff and volunteers must pass a screening process, including a Vulnerable Persons check prior to being involved in any LCCJP activities.</p> <p><b>2 PURPOSE</b></p> <p>2.01 The purpose of this Statement of Policy and Procedure is:</p> <ul style="list-style-type: none"> <li>• To maintain an environment that is free from harassment or abuse;</li> <li>• To identify the behaviours that are unacceptable;</li> <li>• To establish a mechanism for receiving complaints; and</li> <li>• To establish a procedure to deal with complaints.</li> </ul> <p>2.01 This Statement of Policy and Procedure outlines the procedures to be followed regarding abuse so that employees and volunteers understand their right and obligations under both LCCJP’s guidelines and the following governing legislation:</p> <ul style="list-style-type: none"> <li>• Child and Family Services Act, <i>RSO 1990, c C.11</i></li> <li>• Human Rights Act, <i>RSO1990, c H.19</i></li> <li>• Criminal Code of Canada, <i>RSC 1985, c C-46</i></li> </ul>	

### **3 DEFINITIONS**

- 3.01** “Child in Need of Protection”: A child who is or who appears to be suffering from abuse and/or neglect.
- 3.02 “Abuse” is any form of physical, emotional and/or sexual mistreatment or lack of care that causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or a breach of trust.
- 3.03 “Ongoing Duty to Report”: Even if a report has already been made about a child, a further report must be made to the CAS if there are additional reasonable grounds to suspect that the child is or may be in need of protection.
- 3.04 “Child”: In Ontario, the duty to report applies to any child who is, or appears to be, under the age of 16 years, or to children subject to a child protection order who are 16 and 17 years old.
- 3.05 “Physical Abuse” is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, throwing, kicking, biting, choking, strangling or the abusive use of restraints.
- 3.06 “Sexual Abuse” is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism, or exploitation for profit including pornography.
- 3.07 “Emotional Abuse” is defined as but not limited to a chronic attack on an individual’s self-esteem. It can take the form of name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing and habitual scapegoat blaming.
- 3.08 “Verbal Abuse” is defined as but not limited to humiliating remarks, name-calling, swearing at, taunting, teasing and continual put downs.
- 3.09 “Psychological Abuse” is defined as but not limited to communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation and insensitivity to race, sexual preference or family dynamics.
- 3.10 “Neglect” is defined as but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing basic necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support.
- 3.11 “Harassment” is defined as but not limited to any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, display of racism, sexism,

unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

#### **4 SCOPE OF RESPONSIBILITY**

- 4.01 This Statement of Policy and Procedure applies to all employees and volunteers, including Board members and facilitators and relates to interactions with and between staff, volunteers and/or program participants.
- 4.02 All employees and volunteers, and particularly employees in management positions and volunteers in Lead Facilitator positions, are responsible for ensuring that abuse is not tolerated.
- 4.03 Employees and volunteers have an “ongoing duty to report” promptly to the appropriate Children’s Aid society, and to LCCJP’s Executive Director or Board Chairperson, when they suspect or become aware of alleged actions or complaints of abuse of any child involved in or accessing LCCJP’s services that would cause that child to be “in need of protection”.

#### **5 COMPLAINTS BY PARTICIPANTS OF ABUSE**

- 5.01 LCCJP will take all necessary precautions to protect its employees and volunteers from false allegations of physical, sexual or verbal abuse alleged by program participants. To this end, two volunteers and/or staff will be present at all times during interviews, forums or other meetings with participants. All employees and volunteers will be treated fairly, directly and without prejudice in the event of such an allegation.
- 5.02 If a participant makes an allegation of abuse against an employee or a volunteer, the following procedures will be followed with the participant:
- The employee or the volunteer will be immediately removed from the presence of the participant.
  - A second volunteer or employee will speak with the participant and ascertains the facts and ensures the safety of the participant. Questions to be asked include what happened, do you feel safe, do you want to call the police, do you need medical attention?
  - Follow through with the wishes of the participant.
  - Complete an Incident Report as soon as possible.
  - Inform the Executive Director as soon as possible.
  - The Executive Director will report the incident to the Chair of the Board of Directors as soon as possible.
  - The Board and the Executive Director will meet with the accused employee or volunteer within 72 hours to review the incident. The accused person will be removed from any duties until such a review has taken place and will turn over any files, keys, passwords, etc. to the Executive Director.
  - In the event that the incident is deemed to be founded, possible outcomes may include a reprimand (verbal or written), suspension (with or without pay), counselling or dismissal.

- In the event that the incident is deemed to be unfounded, the participant will be refused further services.
- If the employee or volunteer wishes to appeal the decision of the Board, they may do so in writing within 30 days.

**6. COMPLAINTS BY VOLUNTEERS AND EMPLOYEES OF ABUSE**

6.01 LCCJP will take all necessary precautions to protect its employees and volunteers from false allegations of physical, sexual or verbal abuse alleged by other employees or volunteers. Staff and volunteers are expected to conduct themselves in a professional and respectful manner at all times. All employees and volunteers will be treated fairly, directly and without prejudice in the event of such an allegation.

6.02 If a volunteer or an employee makes an allegation of abuse against another employee or a volunteer, the following procedures will be followed:

- The employee or the volunteer who has been alleged to have committed this act will be immediately suspended (with or without pay) by the Executive Director.
- The Executive Director will speak with the person making the allegation to ascertain the facts and ensure the safety of the reporting person. Questions to be asked include what happened, do you feel safe, do you want to call the police, do you need medical attention?
- The Executive Director will follow through with the wishes of the participant and also complete an Incident Report as soon as possible.
- The Executive Director will report the incident to the Chair of the Board of Directors as soon as possible.
- The Board and the Executive Director will meet with the accused employee or volunteer within 72 hours to review the incident. The accused person will be removed from any duties until such a review has taken place and will turn over any files, keys, passwords, etc. to the Executive Director.
- In the event that the incident is deemed to be founded, possible outcomes may include a reprimand (verbal or written), suspension (with or without pay), counselling or dismissal.
- In the event that the incident is deemed to be unfounded, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination of the person making the allegation without notice for just cause.
- If the employee or volunteer wishes to appeal the decision of the Board, they may do so in writing within 30 days.
- Note that an unproven allegation does not mean that abuse did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was abuse, investigation has not borne out the complaint.

**7 PROCEDURE INVOLVING THE ABUSE OF A CHILD**

7.01 An employee or volunteer, who is accused of abusing a child will be immediately

suspended, with or without pay, and pending the outcome of an investigation, will if necessary be terminated and reported to the appropriate authorities.

7.02 An employee or volunteer who becomes aware of a child who is or may be in need of protection shall promptly notify the Children’s Aid Society and the Executive Director.

7.03 The Executive Director will support the reporting person in assisting the Children’s Aid Society with any resulting investigation.

7.04 All details of the file will be kept confidential. Information concerning the child, or action taken as a result of the investigation, will not be released to anyone who is not involved with the investigation in an official capacity.

**8 EXPECTATIONS**

8.01 All employees and volunteers are expected and encouraged to report any witnessed and/or reported abuse of a participant, volunteer or employee. Any employee or volunteer reporting on another employee or volunteer of abuse or mistreatment will be supported by the Board of Directors.

8.02 All employees and volunteers are expected to cooperate with the authorities on any matters dealing with abuse in any form.

**9 RESPONSIBILITIES**

9.01 It is the responsibility of the Executive Director to ensure that all staff and volunteers, including the Board of Directors, are familiar with this policy.

9.02 It is the responsibility of the Board Chair to act as the media representative to respond to all inquiries from any media outlets regarding allegations of abuse, and all staff and volunteers are to refer all such inquiries to the media representative.

9.03 It is the responsibility of each employee, volunteer and Board member to read this policy and sign the following statement. If clarification is required on any point, questions can be directed to the Executive Director prior to signing.

***I acknowledge that I have received and read the abuse policy and/or have had it read to me and that I understand the content. I understand that it is my responsibility to abide by all the rules contained in this policy and to report any incidents of abuse as set forth in this policy.***

DATE \_\_\_\_\_ NAME (printed) \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**72. (1)** Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. The child has suffered emotional harm, demonstrated by serious,
  - i. anxiety,
  - ii. depression,
  - iii. withdrawal,
  - iv. self-destructive or aggressive behaviour, or
  - v. delayed development,and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described

in subparagraph i, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.

10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

11. The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.

12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.

13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately. 1999, c. 2, s. 22 (1).