

**Preamble:**

The children supported by Extend-A-Family Waterloo Region (EAFWR) are citizens with all the rights, dignity and prerogatives of citizens of Canada. Staff support of any type is offered with consent of the individual or his/her spokesperson whenever possible. The laws that apply to civil conduct of all citizens apply equally to staff involvement in people's lives, homes, place of employment, etc. EAFWR will not tolerate any form of abuse or neglect by its employees or volunteers. (Employees include staff, workers and providers). Abuse includes all forms of physical, psychological, sexual or verbal abuse, including deprivation of affections. "Abuse or neglect can include such criminal acts as assault and sexual assault or negligence (not washing, feeding, toileting an individual or not carrying out a person's clinical plan); human rights violations (such as sexual harassment); verbal taunting; degrading and humiliating behaviour; rough handling; or isolation through silence" (ARCH, pg1). Staff must keep in mind that the individuals served by EAFWR are entitled to the same protection under the law that applies to all citizens of Canada, and the Association has a duty to support and defend the rights of those children under the law. A criminal act against these children by an employee or volunteer is a betrayal of confidence so serious in nature that a single incident will not be tolerated and may result in immediate dismissal.

**Statement of Principles:**

EAFWR is committed to providing service to children who are mentally and/or physically challenged, as well as for their families. In doing this we are committed to ensuring that their rights as stated in both the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code are being met. In addition, those responsible for the care of children are also bound by the Principles laid out in the *Child and Family Service Act*.

EAFWR will abide by the following principles regarding any disclosures or allegations of abuse:

- a) Every child entrusted to the care of EAFWR has the right to be safe from neglect and harm, whether physical, sexual, psychological or verbal.
- b) Should neglect or abuse occur, while the child is under the care of EAFWR, the victim has the right to immediate support and treatment. As well, when the treatment required is long term, arrangements will be made and support offered.
- c) Employees and volunteers must work to create a safe atmosphere. This atmosphere should create a climate which would enable a child to disclose incidents of abuse or fears of potential abuse. If an allegation or disclosure of abuse is made, the matter will be considered and dealt with appropriately.
- d) Employees and volunteers under the umbrella of EAFWR have both an obligation and responsibility to protect those in their care from neglect and abuse. Designated staff has both an obligation and responsibility to ensure that a careful, thorough and fair investigation occurs when verbal, physical, psychological or sexual abuse or neglect is alleged or disclosed. The investigation must be handled with skill and sensitivity given the nature and needs of the child with mental disabilities and/or physical disabilities.
- e) When a criminal offence, such as sexual abuse or physical harm has occurred, that offence must be regarded and treated as such.

- f) EAFWR is committed to supporting and training employees and volunteers in issues related to child abuse – its prevention. Employees and volunteers will be oriented to EAFWR’s procedure of identifying and reporting abuse within three weeks of beginning their duties with EAFWR.
- g) Those employees and volunteers working with children who have very challenging behaviours/medical considerations will be made aware of these issues prior to the start of their work with the child.
- h) We are legally bound to recognize an individual, 18 years of age or over, as an adult and thus follow the policy on abuse in relation to adults.

**Reporting Procedures:**

- a) Duty to Report: the mandatory child abuse reporting requirement in Section 72(3) of the *Child and Family Services Act* applies to social workers, nurses, service providers and any employees of a service provider and any other person “who in the course of his or her professional or official duties has reasonable grounds to suspect that a child is or may have suffered abuse”. This requirement takes precedence over all other relationships and reflects that intent of the legislation to protect children from abuse.
- b) Reporting Procedures: Any individual witnessing abuse or having information disclosed to him/her regarding the abuse of a child must follow these steps:
  - i. Intervene as appropriate to ensure the child’s health, safety and well being wherever possible.
  - ii. When necessary, get immediate first aid or physician’s care.
  - iii. Contact the direct supervisor immediately, who will then contact the Executive Director or designate within a reasonable period of time.
  - iv. The Executive Director or designate will meet with the person reporting the incident as soon as possible but within 24 hours. Appropriate external authorities (i.e. police, Family and Children’s Services (FACS)) will be contacted depending on the situation. Parents/guardians will be notified by the Executive Director as soon as possible, but within 48 hours unless otherwise directed by the appropriate legal authorities.
  - v. A preliminary report shall be written and signed by the Executive Director or designate within 24 hours of the initial disclosure or allegation. The report should include the following:
    - Description of the occurrence
    - Individual’s allegation (if applicable)
    - Date, time, place it occurred
    - Reporting time
    - Circumstances surrounding the alleged abuse or neglect
    - People involved
    - Action taken
    - Current status of both the victim and alleged abuser
    - Parties notified (police, FACS, MCFCS, parents/guardians)
    - Further action recommended
  - vi. The individual witnessing or reporting the abuse or neglect may also contact the appropriate authorities (police, FACS) should it be felt necessary.
  - vii. Knowledge of a suspected case of abuse or neglect is confidential and is to be restricted to the employee or volunteer initiating the report and, if appropriate, personnel directly working with the child as well as management personnel, who in the course of their duties would need to know.
  - viii. If a child is reporting abuse which allegedly occurred in the past, the above procedure shall be followed and the police and FACS shall be notified.

**Assumptions Resulting Actions to be Taken:**

- a) The employee or volunteer will be removed from contact with the child immediately to ensure the child's safety.
- b) The employee or volunteer accused of the alleged abuse will be suspending with pay while the following steps are taken:
  - i. An investigation is completed.
  - ii. A review panel consisting of a Program Manager, Board Member, and the Executive Director will be convened. This panel will consider the circumstances surrounding the abuse and the actions taken immediately to address the situation to determine the appropriate course of action. Their decision may include, but not be limited to the following:
    - Additional training
    - Reassignment within the organization
    - Probationary period or
    - Dismissal
  - iii. If allegations result in criminal charges which then result in conviction, the staff member will be immediately and summarily dismissed.
- c) If the victim of abuse is an employee or volunteer of EAFWR, the association shall ensure that:
  - i. Both the victim(s) and the alleged abuser(s) be kept separate from each other until the incident is investigated and the appropriate action take place,
  - ii. The employee or volunteer receive appropriate support and is referred to the appropriate community resources, and
  - iii. Where a criminal offence, such as sexual or physical assault has occurred, that the offence may be treated as such.

**Interviewing and Receiving/Releasing Reports:**

- a) EAFWR shall together with the FACS/police designate a place for interviewing children, employee and volunteers that is neutral and safe. Other community resources may be asked to provide such a space when necessary.
- b) The Executive Director or the designate shall make available to FACS all such records as may be required for their investigation as well as private space which to examine them. As well the Executive Director or the designate shall also provide any information (verbal or written) which will assist the FACS/police to understand the developmental challenge the alleged victim and/or abuser (when the individual is developmentally challenged) may have.
- c) Following the FACS/police protocol, FACS/police or the designated investigating team shall carry out detailed interview with:
  - i. The person who reported the abuse
  - ii. The person who initially suspected the abuse (if different from the person who reported)
  - iii. The alleged victim(s)
  - iv. Any witnesses to the alleged abuse and
  - v. Any other employee or volunteers who may be of assistance in the investigation.
- d) The interviewing of children as part of the investigative process is the responsibility of the FACS/police. Under no circumstances will EAFWR interview the child unless requested by FACS/police to act as interpreter. However, EAFWR may request that a community organization be asked to assist in the process. In such situations, the investigator shall initiate the questions and the employee or volunteer shall interpret only what is asked. Care must be taken to ensure that the child is not coached or led during the interview process.
- e) If a child requires aid to facilitate communication, this shall be made available or approved by FACS/police.
- f) If a medical examiner is required as part of the investigation, this shall be carried out whenever possible by a physician/family doctor, who is knowledgeable about abuse or neglect, in a manner that does not further add to the child's distress. Information about the

child's special needs or challenge shall be made available to the physician. A signed consent for the release of this information should be obtained where applicable.

**Special Circumstances:**

- a) If the alleged abuser is another individual served by EAFWR, the association shall ensure that:
  - i. Both the victim(s) and the abuser(s) be kept separate from each other,
  - ii. That each has appropriate support and supervision,
  - iii. If the victim is under 16 years of age, the abuse/neglect is reported to FACS/police,
  - iv. If the abuser is a child, he/she shall be considered a child in need of treatment unless the police determine in consultation with FACS, that he/she can be dealt with as a young offender.
- b) Each incident involving an individual, 16 or over, must be considered individually and responded to as defined by the existing EAFWR/MCSS protocol.

**Media Strategy:**

- a) The Executive Director or designate shall be the designated media contact.
- b) Information to be shared shall be determined by:
  - i. Matters of confidentiality, including any court-ordered ban,
  - ii. The need to ensure credibility of the investigation, and
  - iii. Sensitivity to the children and their families.Information to be shared will be jointly agreed upon by the investigation bodies (FACS/police), Crown Attorney, program supervisor (CSS) and EAFWR.
- c) No information shall be given "off the record".

**Regular Review of Protocol:**

EAFWR will review this protocol on a yearly basis. Amendments are to be made as required.