

Abuse Prevention Policy

Intent

All El Sistema Grey Bruce - The Big Sound (also referred to as The Big Sound and/or TBS) Personnel, including Program Staff, Volunteers, and Program Participants shall be free from physical, sexual, emotional/psychological abuse, harassment and/or neglect while participating in any El Sistema Grey Bruce -The Big Sound activities and/or fulfilling any TBS duties.

The Big Sound shall take every reasonable precaution to reduce the risk of any form of abuse, harassment and/or neglect.

We all share a responsibility to protect children from harm. This includes situations where children are abused or neglected in their own homes. In accordance with the Child, Youth and Family Services Act (CYFSA), each of us has a responsibility for the welfare of children. Ontario's CYFSA provides protection for these children.

Specifically, Section 125 of the CYFSA states that "the public, including professionals who work with children, must promptly report (Duty to Report) any suspicions that a child is or may be in need of protection to a children's aid society (society)". The CYFSA defines the phrase "child in need of protection" and explains what must be reported to a society. It includes physical, sexual and emotional abuse, neglect, and risk of harm.

Definitions

Physical abuse is any deliberate physical force or action, by a person, which results, or could result, in injury to another person. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing.

Sexual abuse is unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims not able to give consent. Most victims and perpetrators know each other. Immediate reactions to sexual abuse include shock, fear or disbelief. Long-term symptoms include anxiety, fear or post-traumatic stress disorder. A victim of sexual abuse has experienced sexual assault, molestation, harassment or exploitation.

Emotional/psychological abuse is a form of abuse, characterized by a person subjecting, or exposing, another person to behavior that may result in psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.

Financial Abuse is when a person has been financially exploited or harmed by the improper or unauthorized conduct of another individual.

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Harassment is defined as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome."

Neglect occurs when a child has been knowingly and willfully neglected or deprived either physically, emotionally or mentally. A child who is neglected is consistently not having their vital needs met. That could mean poor nutrition, lack of attention to hygiene, and so on. From a child welfare perspective, neglect is a concern because it ultimately affects a child's ability to thrive. With very young children, neglect is obviously a real, immediate risk. Inadequate feeding can be life threatening, and lack of attention to hygiene can lead to serious illness.

As children mature, neglect might not be a matter of life and death, but it does affect how a child manages day-to-day. A hungry child will struggle in school and can be bullied and ridiculed by peers because of poor hygiene. As children enter adolescence, we start seeing the impacts of neglect on their behaviour, including lower self-esteem and an inability to engage in school because they lack the confidence and skills.

Preventing Abuse, Harassment and/or Neglect

To prevent abuse, harassment and/or neglect, TBS requires all prospective Program Personnel (staff and volunteers) to have a satisfactory Criminal Record Check and Vulnerable Sector Police Check completed prior to becoming active in the Program with Program Participants. The Vulnerable Sector Police Check must have no issues flagged and be repeated regularly (i.e. every three years is recommended).

TBS Board of Directors will provide information and an orientation to all Program Personnel on the organization's Abuse Prevention Policy, aimed at prevention, reporting and eradication of abuse, harassment and/or neglect.

All potential TBS Personnel must complete either an Employment Contract and/or Volunteer Application Form and successfully complete the organization's screening/recruitment/orientation process. This information may be used by the Board of Directors and/or any Program Personnel responsible for program delivery and/or volunteer management.

Reporting Abuse and/or Neglect

TBS recognizes that abuse, harassment and/or neglect can have serious and even lethal consequences. Behaviours such as physical abuse, sexual abuse, emotional/psychological abuse and/or intimidation, harassment and/or neglect can be disruptive and harmful to the victim.

Any organization employee, volunteer and/or Program Participant may come forward and report an act of abuse, harassment and/or neglect that they have experienced or witnessed.

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TBS Board of Directors will ensure that the complainant/claimant is protected from any reprisal or negative action resulting from the report.

TBS Board of Directors will thoroughly investigate all claims/reports of abuse, harassment and/or neglect.

Program Personnel

All TBS Program Personnel (staff or volunteer) have the following responsibilities to the organization. All TBS Personnel:

- will assist the Board of Directors eliminate the threat of abuse, harassment and/or neglect from the Program.
- must be sensitive to the climate in the Program and address any potential concerns before they become serious.
- are responsible for preventing and reporting acts of abuse, harassment and/or neglect.
- must immediately report any action related to abuse, harassment and/or neglect suspected, alleged and/or witnessed to any member of the Board of Directors.
- will work with the complainant/claimant and document the action(s) and have them sign and date an official complaint.
- support the complainant/claimant without prejudging the situation.

The Board of Directors

The Board of Directors is responsible for creating and maintaining a safe and healthy environment, free from abuse, harassment and/or neglect.

The Board will ensure this Policy is reviewed with all Program Personnel annually and update/revise, as required.

If a member of TBS (staff, volunteer and/or Program Participant) becomes aware of a suspected, alleged and/or witnessed incident of abuse, harassment and/or neglect in the Program and chooses to ignore it, that individual and the Program risk being named co-respondent in a complaint and may be found liable in legal proceedings brought about by the complainant/claimant.

The Board of Directors will immediately report to the Police, the Children's Aid Society, and the legal guardian/parent of the child, every suspected, alleged, and/or

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witnessed/confirmed incident of abuse, harassment and/or neglect, regardless who did the abusing, harassing and/or caused the neglect in the event the victim is a child. In the event the victim is a child, the Board will ensure that the child's legal guardian(s) are immediately notified of the results of any investigation the Board undertakes.

Investigation of Abuse, Harassment and/or Neglect

The Board of Directors will follow the investigation process outlined below:

- Obtain a Description of the suspected, alleged and/or witnessed Incident/Claim
- Listen to the complainant/claimant, victim or witness, and ensure that they provide a full account of the incident(s).
- Ensure that the matter is treated seriously, using a professional manner and avoid discounting their difficulties in coming forward and telling their story.
- Contact TBS's legal counsel where it appears that the situation may require legal action.
- Obtain a written, signed and dated statement from the complainant/claimant, victim and/or witness. Inform them that they may wish to file a complaint with the authorities (i.e. the Police and/or Children's Aid Society).
- Immediately report to the Police, the child's legal guardian(s), and Children's Aid Society if the victim is a child of any suspected, alleged, witnessed and/or confirmed incident of abuse, harassment or neglect, regardless of who the perpetrator may be.
- Conduct a timely investigation immediately after learning of any suspected, alleged, witnessed and/or confirmed incident/complaint.
- Ensure that the investigation remains confidential, and that all information gathered remains confidential. Information should be shared only where necessary, and with appropriate parties (who must also be informed of the need for confidentiality).
- Investigate all claims seriously.
- Document all information appropriately.
- Contact the authorities, where appropriate.
- Interview the Complainant/Claimant.
- Obtain a full account of the incident, and document all details provided.

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- Determine any potential pattern involved, or if the incident was a singular occurrence.
- Determine if the incident was influenced by any contextual factors.
- Identify any reporting relationships, or hierarchical structures that may have influenced the incident(s).
- Determine a timeline of events associated with the incident and parties involved.
- Examine the potential of a charge made under false pretenses, and any motivating factors that may be involved. Work to rule out these potential elements.
- Inform the complainant/claimant that a thorough investigation will take place.
- Obtain a written, signed and dated statement from the complainant/claimant.
- Ensure that the incident complainant/claimant is free from retaliation/reprisal as a result of their coming forward.

Interviewing Witnesses

Obtain written, dated and signed statements from any witnesses.

Ensure that the witness understands that they are free from retaliation/reprisal as a result of their coming forward. Determine if the complaint is true, if it requires further action, and/or it can be resolved.

In the event a staff member is involved and disciplinary action is required, the Board will determine the level of discipline based on the severity of the incident, previous action taken in similar circumstances, the employee's previous history, and the frequency.

Place any documentation of the complaint/incident, the resulting investigation, rulings, discipline imposed (if any), and any subsequent actions taken into a confidential file.

Follow up with all parties involved with any complaint/incident to provide details of the actions taken in response to the findings of the investigation.

Ensure that the child's guardian(s) are immediately notified of the results of the investigation if the victim is a child.

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Mandatory Reporting

Any person who has reasonable grounds to suspect that a reportable incident has occurred must report their suspicion immediately to the Board of Directors. The Board of Directors will make the determination if the incident should be referred to the authorities for further action (i.e. Police and Children's Aid Society, if the victim is a child).

Whistle-Blowing Protection

The Board of Directors offers protection against retaliation/reprisal to any person who discloses information to The Board, the Police, or Children's Aid Society, or who gives evidence in legal proceedings. This protection is known as the "whistle-blowing" protection.

Specifically, the whistle-blowing protection ensures that The Big Sound's Board of Directors will not retaliate against any person, whether by action or omission, or threaten to do so because anything has been reported regarding abuse, harassment and/or neglect. No person will encounter retaliation/reprisal because evidence has been or may be given in a legal proceeding.

TBS's Board of Directors will not do anything that discourages, is aimed at discouraging or that has the effect of discouraging a person from doing anything mentioned above. Nor will the Board do anything to encourage a person to fail to do anything mentioned above.

For the purposes of the whistle-blowing protection, "retaliation" includes, but is not limited to, disciplining or dismissing an employee, board member, program volunteer, independent contractor, imposing a penalty upon any person, or intimidating, coercing or harassing any person. A Program Participant (child/youth and/or their family) shall not be barred from, or have their child removed from the Program, be threatened with expulsion, or in any way be subjected to discriminatory treatment (e.g. any change or discontinuation in the Program and/or any threat of any such change or discontinuation) because of anything mentioned above. Further, Program Participants (child/youth and/or their family) shall not be threatened with the possibility of retaliation.

Disciplinary Measures

If it is determined that any member of TBS has been involved in an incident of abuse, harassment and/or neglect of any person in the Program, immediate disciplinary action will be taken. Such disciplinary action may involve the reporting of the incident(s) to the authorities, possible legal action, and could result in immediate dismissal without further notice.

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This Abuse Prevention Policy must never be used to create fraudulent or malicious complaints. It is important to realize that unfounded/frivolous allegations may cause both the accused person(alleged perpetrator) and the organization significant damage. If it is determined that any person has knowingly made false statements regarding an allegation related to abuse, harassment and/or neglect, immediate disciplinary action will be taken. As with any case of dishonesty, disciplinary action may include immediate dismissal without further notice.

Special Circumstances

Should a person have a legal court order (e.g. restraining order, or "no-contact" order) against another individual involved with the Program, they are encouraged to notify the Board of Directors of TBS and supply a copy of that order to the Board President. This will likely be required in instances where the victim strongly feels that the aggressor may attempt to contact that person involved in the Program, in direct violation of the court order. Such information shall be kept confidential.

If any visitor to the Program is seen with a weapon (or is known to possess one), makes a verbal threat or assault against any TBS staff, volunteer and/or Program Participant, Program Personnel witnesses are required to immediately contact the Police, any required Emergency Response Services and any member of the Board of Directors.

Confidentiality

TBS will do everything it can to protect the privacy of the individuals involved and to ensure that complainants/claimants and respondents are treated fairly and respectfully. TBS will protect this privacy so long as doing so remains consistent with the enforcement of this Policy and adherence to the law.

Neither the name of the person reporting the facts nor the circumstances surrounding them will be disclosed to anyone whatsoever, unless such disclosure is necessary for an investigation or disciplinary action. Any disciplinary action will be determined by the Board of Directors and will be proportional to the seriousness of the incident. TBS will also provide appropriate assistance to any Program Personnel and/or Program Participant who is a victim of abuse, harassment and/or neglect.

All records of abuse, harassment and/or neglect reports, and subsequent investigations, are considered confidential and will not be disclosed to anyone except to the extent required by law. In cases where criminal proceedings are forthcoming, The Board of Directors will assist police agencies, attorneys, child welfare, insurance companies, and courts to the fullest extent.

This Policy will be posted on our website and is available in printed form, upon request.