

Policy Title: Abuse Prevention Policy

Date: June 2022

(as of July 2, 2022)

Policy Statement

This Abuse Prevention Policy (the “Policy”) outlines that the Municipality of Clare (the “Municipality”) is fully committed to safeguarding the welfare of all children and vulnerable adults (collectively, “vulnerable individuals”) who access Municipality programs and services. The Municipality recognizes that in working with children and vulnerable adults, either directly or indirectly, there is a moral and legal responsibility to protect them from both intentional and unintentional harm.

The Municipality will take appropriate steps to ensure that employees and/or volunteers have an appropriate background and qualifications to provide services in its programs and services. Further, employees who violate this Policy will be subject to discipline, up to and including termination of employment for just cause; volunteers may be required to cease participation.

Terminology

The Municipality recognizes the following definitions for the purposes of this Policy.

A **child** is a person under 19 years of age and includes youth. Note that a child may also be a staff or volunteer. A **child is in need of protective services** as outlined in a list in the *Children and Family Services Act* (s 22(2)). Generally, a child is in need of protective services where the child has suffered harm, abuse, or neglect, or there is a substantial risk that such an event will occur.

A **vulnerable adult** is any person over the age of majority who by nature of a physical, emotional, or psychological condition is dependent on other persons for care and assistance in day-to-day living.

A **vulnerable individual** includes children and vulnerable adults. These are people who, because of age, disability, or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority.

Abuse is any form of physical harm, emotional deprivation, neglect, or sexual mistreatment which can result in injury or psychological damage to a person. A common characteristic of all forms of abuse against children and vulnerable adults is an abuse of power or authority and/or breach of trust.

The following definitions and examples help to further illustrate different types of abuse:

- **Physical abuse** is any physical action by a person that harms, or could harm, a vulnerable individual. It includes hitting, kicking, slapping, shaking, burning, pinching, biting, choking, throwing, shoving, and whipping. It also includes using unreasonable force to punish vulnerable individuals or to prevent them from harming themselves or others. The vulnerable individual's injuries may range from minor bruises, burns, welts, or bite marks to broken bones. In extreme cases, death can occur as a result of physical abuse.
- **Emotional abuse** is the most difficult to define and recognize. It may range from habitual humiliation of the vulnerable individual to withholding life-sustaining nurturing. It can include acts or omissions by those responsible for the care of a vulnerable individual, or others in contact with a vulnerable individual that are likely to have serious, negative emotional impacts. Emotional harm may occur separately from, or along with, other forms of abuse and neglect. It can take the form of acts such as name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing, ignoring the vulnerable individual's needs, scapegoating, rejecting, directing insults, and humiliating.
- **Sexual abuse** is when a person uses a vulnerable individual for sexual purposes. This can take both contact and non-contact forms. For example, these can include:
 - Sexually touching a vulnerable individual or inviting a vulnerable individual to touch;
 - Intercourse (vaginal, oral, anal);
 - Threatening sexual acts, obscene gestures or communications, or stalking;
 - Sexual references to the vulnerable individual's body or behaviour with words or gestures;
 - Asking the vulnerable individual to expose their body for sexual purposes;
 - Deliberate exposure of the vulnerable individual to sexual activity or material; or
 - Exposure to sexual aspects of organized or ritual abuse.
- **Sexual exploitation** is when a vulnerable individual becomes involved in sexual activity, usually through manipulation or coercion, in exchange for things like money, drugs, food or shelter. Sexual activities include sexual acts; sex for the purpose of entertainment; escort or massage parlor services; and appearing in pornographic images.
- **Neglect** is failure to provide for a vulnerable individual's basic needs to the point where the vulnerable individual is, or could be, harmed. Neglect includes failing to provide a vulnerable individual with food, shelter, basic health care, supervision, nurturing, or protection from risks. Neglect is not always intentional, as it may be a result of insufficient resources or other circumstances beyond a person's control.

Screening & Background Checks

The Municipality will ensure that all employees and volunteers understand that the terms and conditions of employment or volunteering include the following:

- Producing a valid and recent complete Criminal Record Check and Vulnerable Sector Check, if working or volunteering with children and/or vulnerable adults. “Recent” is deemed to having been issued within *the last six months of your start dates*.
- If, during the course of their employment or volunteering with the Municipality, they are charged and/or convicted of a relevant offence, it is their responsibility to immediately inform the appropriate Municipality administrators of such information.
- Producing any and all valid licenses and certificates, as it pertains to their employment or volunteer position.

Recognizing the Signs of Abuse

The following table lists common physical and behavioural indicators or “warning signs” of possible abuse toward or neglect of a vulnerable individual. By themselves, these indicators do not prove that a vulnerable individual has been abused or neglected, as there are many reasons why a vulnerable individual may present with these indicators (e.g., divorce of parents, death of a significant person in the individual’s life, arrival of a new sibling, etc.). As such, indicators may need to be assessed by a professional. If employees or volunteers of the Municipality have general or specific questions, they should contact the Municipality’s Recreation Manager. The Recreation Manager can access resources as they deem appropriate.

Note that some indicators in the following table are more relevant to children than to vulnerable adults. The following physical and behavioural indicator lists are not exhaustive and should only serve as a guide.

Type	Physical Indicators	Behavioural Indicators
Physical Abuse	<ul style="list-style-type: none"> • Any injury to an infant who is not yet mobile, especially head/facial injuries • Injuries to a toddler or older child for which there is no explanation, the explanation does not fit with the injuries, or the story keeps changing • Injuries at different stages of healing • Injuries that have a pattern or look like they may have been caused by an object (e.g., hand, stick, buckle, stove element) 	<ul style="list-style-type: none"> • Afraid or reluctant to go home, or runs away • Shows unusual aggression, rages, or tantrums • Flinches when touched • Has changes in performance or attendance • Withdraws from family, friends, and activities previously enjoyed • Poor self-esteem (e.g., describes self as bad, feels punishment is deserved, is very withdrawn) • Suicidal thoughts or self-destructive behaviour (e.g., self-mutilation, suicide attempt, extreme risk-taking behaviour)

Type	Physical Indicators	Behavioural Indicators
	<ul style="list-style-type: none"> • Bruising in unusual places such as ears, trunk, neck, or buttocks 	
Sexual Abuse	<ul style="list-style-type: none"> • Unexplained or persistent pain, bleeding, or unusual discharge in the genital or anal area • Pregnancy • Sexually transmitted diseases 	<ul style="list-style-type: none"> • Engages in age-inappropriate sexual play or exhibits age-inappropriate sexual knowledge (e.g., through drawing or play) • Forces or coerces another child to engage in sexual play • Inserts objects into vagina or rectum • Directs sexually intrusive behaviour to adults • Has unexplained gifts, new clothes, or money • Has changes in performance or attendance • Is secretive about “new” friends, activities, phone calls, or internet use • Has unexplained developmental setbacks (e.g., was toilet trained but reverts back) • Is involved in sexually exploitive activities, such as performing sex acts for money • Is involved in behaviours such as misuse of drugs or alcohol, stealing, fire-setting • Flinches when touched
Emotional Harm	<ul style="list-style-type: none"> • Bed wetting and/or frequent diarrhea when out of the ordinary (and no underlying medical conditions) • Frequent psychosomatic complaints, headaches, nausea, abdominal pains 	<ul style="list-style-type: none"> • Mental or emotional development lags • Isolated and has no friends or complains of social isolation • Behaviour inappropriate for age • Fear of failure, overly high standards, reluctant to play • Fears consequences of actions, often leading to lying • Extreme withdrawal or aggressiveness, mood swings • Overly compliant, too well-mannered • Excessive neatness and cleanliness • Extreme attention-seeking behaviours • Poor peer relationships • Severe depression, may be suicidal • Runaway attempts • Violence is a subject for art or writing • Forbidden contact with other children • Shows little anxiety towards strangers

Type	Physical Indicators	Behavioural Indicators
		<ul style="list-style-type: none"> • Unusually severe anxiety or worries
Neglect	<ul style="list-style-type: none"> • Injuries where medical care has been unusually delayed or avoided • Injuries resulting from a lack of supervision • Medical or dental needs that are consistently unattended to • “Failure to thrive” in a child where no medical reason has been found • Clothing consistently inadequate for weather conditions • Persistent hunger • Poor or inadequate nutrition • Poor personal hygiene 	<ul style="list-style-type: none"> • Forages for, hoards, or steals food • Developmental delays or setbacks related to a lack of stimulation • Poor school attendance • Inappropriately takes on a caregiver role for a parent or siblings • Tired or unable to concentrate at school • Appears sad or has flat affect • Reluctant to go home; speaks of being or appears to be left alone at home a lot, unsupervised • Is involved in behaviours such as misuse of drugs or alcohol, stealing, fire-setting • Does not respond to affection or stimulation

Policy Commitment

The Municipality is committed to ensuring that it:

- Provides a safe environment for vulnerable individuals, with zero tolerance for any type of abuse;
- Identifies vulnerable individuals who are suffering or likely to suffer or be harmed; and
- Takes appropriate action to see that such vulnerable individuals are kept safe while participating in programs run by the Municipality.

As such, the Municipality will:

- Respect the dignity and privacy of vulnerable individuals participating in our programs and services;
- Create an environment in which vulnerable individuals are valued, encouraged and affirmed;
- Provide programming that promotes the health and safety of vulnerable individuals and, as part of ongoing vigilance and continuous improvement, review practices and procedures to ensure this;

- Recruit, orient, train, supervise, and support employees and volunteers to adopt best practices that safeguard and protect vulnerable individuals from abuse;
- Require staff and volunteers, on an annual basis, to adopt and abide by this Policy, as well as any other code of ethics specific to their field;
- Provide consistent procedures about identifying, reporting and dealing with allegations of suspected abuse and neglect;
- Monitor and evaluate the implementation of this Policy and adapt this Policy as per legislative changes, or to ensure best practices.

Internal & External Duty to Report

This Policy applies to all employees and volunteers. As such:

- All employees and volunteers of the Municipality have a responsibility to ensure that vulnerable individuals accessing Municipality programs or services are treated with dignity and respect, live free from harm, and do not experience abuse.
- **Internal Duty to Report:** All employees and volunteers of the Municipality who suspect or witness abuse against a vulnerable individual must report such information to the appropriate Municipality administrator immediately.
- **External Duty to Report:** Employees and volunteers of the Municipality who suspect or witness abuse against a vulnerable individual *have a legal duty to report the relevant information to the appropriate authority, as outlined in the Children and Family Services Act and the Adult Protection Act. Before doing so, they are to consult with the Recreation Manager, who will then consult with the Municipality's Senior Management Team.*

Legislation: Children and Family Services Act

The *Children and Family Services Act* is the legislative authority for child welfare in Nova Scotia. Its purpose is to protect children from harm, promote the integrity of the family, and assure the best interests of children. In all proceedings and matters pursuant to the Act, the paramount consideration is the best interests of the child.

The duty to report information regarding a child in need of protective services can be found in subsection 23(1) of the *Children and Family Services Act*. It states:

Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.

Employees and volunteers are, where possible, to consult with the Recreation Manager before acting on their duty to report, *who will then consult with the Municipality's Senior Management Team.*

If there is a failure to report such information, the legal implications are outlined in subsection 23(3) of the *Children and Family Services Act*. It states:

Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Under the *Children and Family Services Act*, false and malicious reporting of information has legal implications. Subsection 23(5) of the *Children and Family Services Act* states:

Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Legislation: *Adult Protection Act*

The *Adult Protection Act* is the legislative authority in Nova Scotia for protecting adults who are living at significant risk of self-neglect, abuse or neglect and are unable to protect themselves from that risk (i.e., due to physical or mental capacity).

The duty to report information regarding an adult in need of protection can be found in subsection 5(1) of the *Adult Protection Act*. It states:

Every person who has information, whether or not it is confidential or privileged, indicating that an adult is in need of protection shall report that information to the Minister [of Community Services].

If there is a failure to report such information, the legal implications are outlined in the *Adult Protection Act*. Subsection 16(1) states:

Every person who has information, whether or not it is confidential or privileged, indicating that an adult is in need of protection and who fails to report that information to the Minister [of Community Services] is guilty of an offence under this Act.

Violation of the *Adult Protection Act* may result in summary conviction. Section 17 states:

Every person who violates this Act or a protective intervention order is guilty of an offence punishable on summary conviction and is liable to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or both.

Confidentiality & Reporting

All information relating to an abuse situation is considered confidential. Information concerning the allegation should not be shared with anyone who is not directly involved with the investigation or not directly involved with the care of the vulnerable individual. Discussion about the case among other employees and/or volunteers is not acceptable.

The Municipality is committed to ensuring that:

- All allegations of abuse will be addressed and investigated as thoroughly as possible.
- All interviews and information obtained or recorded shall be dealt with as confidentially as is possible.
- Investigations and decisions will be made in as timely a manner as possible.
- Reprisal and allegations made in bad faith will not be tolerated and will be acted upon.

Investigations

The Municipality will determine what action to take with regard to investigating any complaint it receives. It recognizes that there might be situations where police or some other external organization will have to investigate. However, the Municipality reserves the right to investigate any matter although it recognizes that it might have to wait until other investigations are complete. Further, the Municipality has the right to retain an external investigator if it believes it is appropriate to do so.

Where an employee or volunteer is the subject of an investigation, the Municipality has the authority to place the employee on administrative leave (with or without pay, as it determines) for all or part of the duration of the investigation or to suspend a volunteer from any involvement in the program/service.