



## Child Protection Policies and Procedures Workbook

# About this workbook

## WHAT IS IT?

This workbook forms part of the Commit to Kids™ program. It is intended for use by child-serving organizations to assist them in preparing policies and procedures to help better protect the children in their care.

## WHEN SHOULD IT BE USED?

This workbook is intended for use after an organization has gone through the Commit to Kids™ program and used these resources to identify and assess the risks within their organization.

## HOW SHOULD I USE THE WORKBOOK?

This workbook contains sample policies and procedures. These samples are meant to be used as a starting point only and must be tailored by each organization to meet its unique needs. The workbook is not intended to be exhaustive or prescriptive, nor is it meant to anticipate each and every risk an organization may face. It is intended and expected that each organization will amend and adjust the content to meet its particular needs.

## WHAT SHOULD I CONSIDER WHEN COMPLETING THE WORKBOOK?

Each policy and procedure must be considered and examined for applicability to the organization, and customized accordingly. In going through the workbook, organizations must consider:

- Legislative and licensing requirements that apply to the organization (for example, any child protection legislation, any regulations related to the licensing of the organization, and any applicable professional or other requirements and applicable privacy legislation)
- Program requirements, including service commitments and expectations
- Existing internal policies and employment agreements

### Important Note:

It is recognized that in some cases, the wording provided in the Commit to Kids Workbook will not be adequate for the organization in that it will not go far enough to protect the children in their care. In other cases, the wording may be too restrictive given the nature of the services the agency provides. For example, agencies that deal with high risk youth, special needs children or with babies must consider the specific needs of those groups, and the attendant risks that may exist in the context of the services being provided, to arrive at policies and procedures that will work in the environment and will serve to better protect the children in their care.

## DISCLAIMER

These policies and procedures are SAMPLES ONLY. They must be tailored to meet your organizational requirements. They are not meant to be exhaustive or cover all areas your organization may face. Seek legal advice before finalizing any policy.

Contact us at [www.commit2kids.ca](http://www.commit2kids.ca)

# TABLE OF CONTENTS

TABLE OF CONTENTS .....	3	<b>Treating Children With Dignity and Maintaining Boundaries</b> .....	14
.....	6	<b>General Rules of Behavior</b> .....	15
<b>Introduction</b> .....	<b>6</b>	<b>Ranges of Inappropriate Behavior</b> .....	16
<b>Who We Are</b> .....	7	<b>What Constitutes Inappropriate Behavior</b> .....	17
What We Believe .....	7	<b>Reporting Requirements</b> .....	18
What We Do .....	7	<b>Consequences of Failing to Adhere to this Code of Conduct to Protect Children</b> .....	20
The Team .....	7	<b>If You Have Questions</b> .....	21
The Role of Policies and Procedures in Protecting Children .....	8	.....	22
.....	9	<b>Education &amp; Awareness</b> .....	<b>22</b>
<b>Definitions</b> .....	<b>9</b>	Groups to Receive Training on Child Sexual Abuse .....	23
Definitions .....	10	<b>**Sample**</b> : Policy Statement .....	23
Act .....	10	<b>**Sample**</b> : Policy Statement .....	24
Child .....	10	<b>**Sample**</b> : Parameters .....	24
Abuse .....	10	<b>**Sample**</b> : Procedure .....	24
Child in Need of Protection or Intervention .....	10	.....	26
Employee .....	11	<b>Hiring</b> .....	<b>26</b>
Grooming .....	11	Hiring Process .....	27
Inappropriate Behavior .....	11	<b>**Sample**</b> : Policy Statement .....	27
Parent .....	12	<b>**Sample**</b> : Procedures .....	27
Supervisor .....	12	.....	30
Unlawful Behavior .....	12	<b>Orientation &amp; Supervision</b> .....	<b>30</b>
.....	13	Orientation Process .....	31
<b>Code of Conduct to Protect Children</b> .....	<b>13</b>	<b>**Sample**</b> : Policy Statement .....	31
<b>**Sample**</b> : Code of Conduct to Protect Children .....	14	<b>**Sample**</b> : Procedures .....	31
<b>Introduction</b> .....	14	Probationary Period .....	31
Why a Code of Conduct to Protect Children? .....	14	<b>**Sample**</b> : Policy Statement .....	32
		<b>**Sample**</b> : Procedures .....	33
		Employee/Volunteer Supervision .....	34

**Sample**: Policy Statement .....	34
**Sample**: Procedures .....	34
Updates to Screening Process.....	34
**Sample**: Policy Statement .....	34
**Sample**: Procedure .....	35
.....	36
<b>Reporting &amp; Documenting Complaints / .....</b>	<b>36</b>
<b>Internal and external Communication .....</b>	<b>36</b>
Reporting and Documenting Complaints: Potentially Unlawful Behavior .....	37
**Sample**: Policy Statement .....	37
**Sample**: Parameters.....	37
**Sample**: Reporting Requirements: .....	38
**Sample**: Procedures .....	38
Other Matters of Note .....	40
Reporting and Documenting Complaints: Inappropriate Behavior .....	41
**Sample**: Policy Statement .....	41
**Sample**: Parameters.....	41
**Sample**: Procedures .....	41
Other Matters of Note .....	42
Communications with Employees/Volunteers..	44
**Sample**: Policy Statement .....	44
**Sample**: Procedures .....	44
<b>Communications with Parents: Potential Unlawful Behavior .....</b>	<b>45</b>
**Sample**: Policy Statement .....	45
**Sample**: Procedures .....	45
<b>Communications with Parents: Inappropriate Behavior .....</b>	<b>45</b>
**Sample**: Policy Statement .....	45
**Sample**: Procedures .....	45
.....	46

<b>Discipline, Suspension &amp; Dismissal .....</b>	<b>46</b>
Discipline/Suspension/Dismissal: Potentially Unlawful Behavior .....	47
**Sample**: Policy Statement .....	47
**Sample**: Procedures .....	47
Discipline/Suspension/Dismissal: Inappropriate Behavior .....	49
**Sample**: Policy Statement .....	49
**Sample**: Procedures .....	49
False Allegations .....	51
**Sample**: Policy Statement .....	51
**Sample**: Procedures .....	51
.....	52
<b>Accountability &amp; Confidentiality .....</b>	<b>52</b>
Confidential Information .....	53
**Sample**: Policy Statement .....	53
**Sample**: Procedure .....	53
.....	54
<b>Programs, Services &amp; Activities .....</b>	<b>54</b>
<b>Acknowledgement .....</b>	<b>56</b>
.....	57
<b>Appendices.....</b>	<b>59</b>

# INTRODUCTION



## POLICIES AND PROCEDURES WORKBOOK

Policies and procedures in this workbook are examples only, and are not exhaustive.  
Organizations must adjust and tailor to applicable legislative, licensing and other requirements.



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[Insert the name of your organization here] has adopted policies and procedures to ensure that all employees/volunteers and those associated with [Insert the name of your organization here] are knowledgeable about and take specific measures to protect children in the course of their work.

## Who We Are

[Insert a description of your organization, as well as your mission statement here]

## What We Believe

[Insert the mandate of your organization here]

## What We Do

[Insert the programs and services offered by your organization here]

## The Team

[Insert a description of the management structure of your organization, including an organizational chart that outlines your structure and accountability]

## The Role of Policies and Procedures in Protecting Children

Policies and procedures designed to enhance the protection of children create barriers for sex offenders. The more structure and accountability there is around contact with children, the less likely an offender will have opportunities to groom and/or sexually offend against a child in our care. As a child-centered organization, we base our policies and procedures on:

- **A shared understanding** by employees/volunteers of what constitutes child sexual abuse and exploitation, and how to recognize and prevent it.
- **Trained employees/volunteers** who are equipped to recognize situations of potential child abuse and inappropriate behaviour, and know the response that is expected of them in these situations.
- **Clear lines of communication, authority and decision-making** so that employees/volunteers have well-defined procedures and a consistent approach for handling all child protection issues.
- **Regular review** of the effectiveness of policies and procedures whereby [Insert the name of your organization here] assesses if any adjustments, additions or improvements are required.
- **Openness** about our work and how we conduct it. [Insert the name of your organization here] has an atmosphere where child sexual abuse/misconduct can be raised and addressed. We critically assess our practice in an effort to continuously improve organizational child protection measures.
- **Equity and fairness** ensuring that all concerns at all levels of authority are addressed through a consistent and transparent process.
- **Dignity and respect** by keeping personal information confidential, and sharing it only on a 'need-to-know' basis.
- **Coordination** with other organizations that can assist with child protection matters. This can include child welfare, law enforcement and legal counsel.

# DEFINITIONS



## POLICIES AND PROCEDURES WORKBOOK

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# Definitions

*Drafting Hint: The following definitions reflect legislation in the Province of Manitoba. If you are in a different province, replace the definitions below with the appropriate definitions from your provincial legislation.*

Throughout the Policies and Procedures to Protect Children, the following terms shall have the following definitions:

## ACT

For Manitoba: The term 'Act' refers to *The Child and Family Services Act* (Manitoba)

For all other provinces: The term 'Act' refers to [insert name of applicable provincial child welfare legislation].

## CHILD

For Manitoba: For the purpose of this policy the term 'child' refers to anyone under the age of 18, including adolescents and youths.

For all other provinces: [adjust only if age of majority is different in your province].

## ABUSE

For Manitoba: The term 'abuse' refers to the definition ascribed to the term "abuse" under the Act. Under section 1 of the Manitoba *Child and Family Services Act* "**abuse**" means an act or omission by any person where the act or omission by any person results in

- a) physical injury to the child;
- b) emotional disability of a permanent nature in the child or is likely to result in such a disability; or
- c) sexual exploitation of the child with or without the child's consent.

Appendix B to this workbook contains more information.

For all other provinces: [either include definition of abuse, or if none exists, delete and include only the definition for "in need of protection/intervention/protective intervention"].

## CHILD IN NEED OF PROTECTION OR INTERVENTION

For Manitoba: The term 'child in need of protection' refers to the definition ascribed to such term in subsection 17(1) of *The Child and Family Services Act* (Manitoba) which provides that "...where the life, health or emotional well-being of the child is endangered by the act or omission of a person" that child is in need of protection.

Appendix A to the Policies and Procedures to Protect Children contains more information.

For all other provinces: [The terms used to refer to situations where a child may be in need of child welfare services vary by province. Consult with the applicable legislation for the correct term].

## EMPLOYEE

The term 'employee' refers to all employees, including supervisors, directors and the executive director. When referring to an employee who holds a management position, the term describing the specific management level of the employee may be used, i.e. supervisor, director or executive director.



## GROOMING

*Drafting Hint: The term grooming is not defined in child welfare legislation. The following is the definition adopted by the Canadian Centre for Child Protection Inc.*

The term “grooming” is used to refer to a technique used by an adult or youth to gain the trust of a child and the adults around the child. This technique is used by individuals with a sexual interest in children with the goal of having the child see the individual as a caring adult that they can trust and whose direction they should follow. The individual may also build rapport with the adults around the child so that the individual’s relationship with the child is welcomed and encouraged. Grooming is often a slow and gradual process of building trust and comfort with a child and adults around the child that later escalates into inappropriate, abusive or unlawful behaviour.

The purpose of grooming is to:

- Manipulate the perceptions of individuals around the child
- Manipulate the perceptions of the child
- Build trust with the child and adults around the child
- Gain prolonged access to the child
- Break boundaries with a child and normalize inappropriate behaviour
- Reduce the likelihood of a child disclosing sexual abuse
- Reduce the likelihood that the child would be believed if s/he discloses
- Coerce the child into believing that they instigated and are in control of the activity

Grooming may also take place with a group of children sharing similar characteristics; for example, a group of boy children of a particular age or a group of blond haired, blue eyed female children.

## INAPPROPRIATE BEHAVIOUR

*Drafting Note: The term inappropriate behaviour is not defined in child welfare legislation. The following is the definition adopted by the Canadian Centre for Child Protection Inc.*

The term ‘inappropriate behaviour’ refers to any behaviour towards a child that may be seen by a reasonable observer to be a violation of that child’s reasonable boundaries and/or is in conflict with the duties of the individual towards the child, grooming behaviour, unauthorized contact with a child, and any other behaviour the organization deems to be inappropriate. The Code of Conduct to Protect Children contains more discussion about what is considered inappropriate behaviour.

## PARENT

The term ‘parent’ refers to the person or persons who have assumed primary responsibility for the care of a child. This may or may not be the biological parent of the child, and could include grandparents, foster parents, legal guardian, etc.

## SUPERVISOR

The term ‘supervisor’ in relation to an employee, means the person to whom an employee reports. Refer to the organizational chart for more information.

## UNLAWFUL BEHAVIOUR

*Drafting Note: The term unlawful behaviour is not defined in child welfare legislation. The following is the definition adopted by the Canadian Centre for Child Protection Inc.*

The term ‘unlawful behaviour’ refers to behaviour that is or may be criminal or that breaches child welfare or other legislation. By way of example and not limitation, unlawful behaviour includes: child abuse, sexual assault, sexual interference, invitation to sexual touching, sexual exploitation, procurement, luring, child pornography offences, corrupting morals, indecent acts, voyeurism, etc.

# CODE OF CONDUCT TO PROTECT CHILDREN



## POLICIES AND PROCEDURES WORKBOOK

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## **\*\*Sample\*\*: Code of Conduct to Protect Children**

*Drafting Hint: Be sure you have gone through Part I-III of the Commit to Kids program to identify and assess risks within your organization, then refer to Section IV of the Commit to Kids program to create your Code of Conduct to Protect Children.*

### Introduction

As a reputable child-serving organization, [Insert the name of your organization here] has developed the following Code of Conduct to Protect Children to guide our employees/volunteers. While every employee/volunteer is valued and unique, we come together as an organization in the best interests of children and their families. The safety, rights and well-being of children we serve are at the core of our daily operations. We nurture supportive relationships with children while balancing and encouraging appropriate boundaries.

### Why a Code of Conduct to Protect Children?

At the core of our operations is a deep commitment to ensuring all children are protected and safe. A Code of Conduct to Protect Children is an important component to creating safe environments for children. As a reputable and charitable child-serving organization, the safety, rights and well-being of children served by our programs and services are paramount to the core of our daily operations and our continued public support, and it is imperative that we have transparency and accountability in all of our dealings involving children.

We believe that each employee/volunteer plays a key role in the protection of children regardless of their contact with the public. Employees/volunteers are the ambassadors of the organization, and in all dealings involving children our employees/volunteers must display, and appear to display, behaviour that is consistent with our mission.

Maintaining personal boundaries is integral to developing healthy relationships with children and families. Behaviour that presents risk often begins by breaking boundaries with children and teens. To help employees/volunteers understand what is expected, this Code includes information about the type of behaviour expected, and it provides clear direction to those who either directly observe behaviour of concern, or who learn about behaviour of concern from others.

The intent of the Code of Conduct to Protect Children is to guide our employees/volunteers in developing healthy relationships with the children involved in activities or programs delivered by our organization. By providing employees/volunteers with the guideposts against which they can measure their own behaviour and the behaviour of those around them, employees/volunteers are empowered to identify and address behaviour of concern at an early stage to help better protect children.

### Treating Children with Dignity and Maintaining Boundaries

All employees/volunteers are responsible for treating all children with respect and dignity, and for maintaining appropriate boundaries. Employees/volunteers must monitor their own behaviour towards children, and be aware of the behaviour of their colleagues, to ensure that behaviour is appropriate and respectful, and will be perceived as such by others.

If at any time you are in doubt about the appropriateness of your own behaviour or the behaviour of others, you should discuss it with your supervisor. Refer to the Reporting Requirements section for further guidance.

### Things to Consider:

Before engaging in any behaviour or activity with a child, and when considering how your behaviour or the activity may be perceived by the child and by others, you should consider whether:

- The activity you are engaging in with a child is known to, and approved by, your supervisor and/or the parents of the child. All interactions with a child should be transparent.
- The activity or behaviour you are engaging in would raise concerns in the mind of a reasonable observer as to its appropriateness.
- The activity or behaviour is directly and objectively tied to your job function.
- The organization may be detrimentally affected by the activity or behaviour.
- The activity or behaviour may be reasonably regarded as posing a risk to the child.
- The activity or behaviour may contribute to a child's discomfort.
- The activity or behaviour may appear inappropriate to the organization, the child's family, or the public.

In addition, always consider the child's reaction to any activities, conversations, behaviour, or other interactions, and avoid criticizing, embarrassing, shaming, blaming, or humiliating a child. Do not place inappropriate expectations on a child. Use your instincts as a guide. Ask yourself: "Whose needs are being met by the activity or behaviour?" The purpose of an activity or behaviour should always be to meet the child's needs, not the adult's needs.

**Tip: If the child seems uncomfortable with the activity or behaviour, that is a good indication that the activity and/or behaviour is unwelcome and should stop.** You need to reassess the activity or behaviour and consult with your supervisor before continuing.

## General Rules of Behaviour

Employees/volunteers of our organization must:

- Treat all children with respect and dignity.
- Establish, respect and maintain appropriate boundaries with all children involved in activities or programs delivered by the organization.
- Always adhere to the organization's policies and procedures in dealing with children.
- Treat all disclosures, allegations or suspicions of sexual or other unlawful or inappropriate behaviour involving a child seriously – an employee/volunteer must report all disclosures, allegations or suspicions of inappropriate or unlawful behaviour as set forth in this Code of Conduct to Protect Children.

Employees/volunteers of the organization must not:

- Engage in any sort of physical contact with a child that may make the child or a reasonable observer feel uncomfortable, or that may be seen by a reasonable observer to be violating reasonable boundaries.
- Engage in any communication with a child within or outside of work that may make the child uncomfortable or that may be seen by a reasonable observer to be violating reasonable boundaries.
- Engage in any behaviour that goes against (or appears to go against) the organization's mandate, policies or Code of Conduct to Protect Children, regardless of whether they are serving the organization at that moment
- Conduct their own investigation into allegations or suspicions of inappropriate behaviour – it is an employee/volunteer's duty to report the matter to his/her supervisor or child welfare, not to investigate.

*Drafting Note: There may be cases where, due to the nature of the program or service delivered by the organization or the needs of the particular child, certain physical contact and/or communication with the child in a work setting must take place even though it may make the child uncomfortable. An example would be during the course of treatment or therapy. If this applies to your organization, the above wording may need to be adjusted to accommodate.*

## Ranges of Inappropriate Behaviour

It is important for all employees/volunteers to understand that behaviours, as they relate to the safety and protection of children, fall into a continuum.

On one end of the continuum are those behaviours that are **unlawful**. Unlawful behaviours are those that are criminal or that breach child welfare or related legislation, and include such things as child abuse, sexual assault, sexual interference, invitation to sexual touching, sexual exploitation, procurement, luring, child pornography offences, corrupting morals, indecent acts, voyeurism, etc.

**Unlawful behaviours need to be reported to the child welfare agency and/or law enforcement for investigation. This Code provides you with information about how to submit such a report.**

At the other end of the continuum are those behaviours that are **inappropriate** but are of such a nature that it is believed they can be addressed and corrected through additional training, supervision and monitoring. Inappropriate behaviour could range from one-time behaviours to multiple instances, and could include behaviour that is repeated even after it has been brought to the attention of the employee. It includes such things as telling inappropriate jokes to or in earshot of a child, confiding in a child with personal stories and having unauthorized contact with a child outside of work duties.

**Inappropriate behaviour needs to be brought to the attention of management so it can be followed up formally and internally. The organization will determine if the behaviour is inappropriate and how it will be addressed.**

In the middle of the continuum are those behaviours that may either be unlawful or inappropriate, depending on the overall circumstances. Or, it may be behaviour that is initially seen as behaviour that could be corrected through additional training, supervision and monitoring, but upon following up and learning more information, it is determined the behaviour is more serious and warrants a formal investigation.

For example, one instance of grooming behaviour may initially be seen as inappropriate, but of such a nature that it can be dealt with internally. However, upon following up on the behaviour and learning more about the overall circumstances and any prior inappropriate behaviour, the behaviour may be elevated to something that warrants a report to the child welfare agency. Consider the following example:

A report is submitted internally about an employee/volunteer exchanging unauthorized emails with a child outside of his/her work duties. The initial information indicates that the emails are of a general nature. After the organization follows up, it learns that some of the emails were sexual in nature, and it learns that the employee/volunteer has exhibited other inappropriate behaviour that had not been reported previously. Each instance of inappropriate behaviour, if considered separately and without context of the other behaviours, might be characterized as something in the nature of “poor judgment” that is capable of correction. However, once all behaviours are considered in context with each other, it may be sufficient to warrant a report being made to the child welfare agency, law enforcement or the licensing body for the individual.

For the protection of children in our care, all instances of inappropriate behaviour will be followed up on. Behaviours of concern will be reported to the child welfare agency, law enforcement or the licensing body for the individual for further investigation whenever we deem such action to be warranted.

# What Constitutes Inappropriate Behaviour

**Inappropriate behaviour will not be tolerated, especially as it relates to the well-being of the children involved in activities or programs delivered by the organization.**

Inappropriate behaviour falls on a continuum, as noted in the section above headed “Ranges of Behaviour.”

Behaviour considered inappropriate is that which may be seen by a reasonable observer to be violating reasonable boundaries, and includes, but is not limited to, the following:

1. Communication that goes beyond the employee/volunteer’s responsibilities with the child and/or does not occur within the context of their duties and responsibilities. For example:
  - Making personal phone calls to a child and/or one or more members of the child’s family
  - Having personal electronic or cell phone exchanges with a child and/or one or more members of the child’s family (email, text message, instant message, online chats, social networking (including “friending”), etc.), regardless of who initiated the exchange
  - Writing personal letters to a child or one or more members of the child’s family
  - Excessive communication (online or offline) with a child or the child’s family

You must report all communication with a child or his/her family that occurs outside the workplace. This enables the organization to ensure any such communication is appropriate and within reasonable boundaries, and will help to identify any problematic situations.

2. Spending time with a child or the child’s family outside of designated work times and activities, especially if this is not known to your supervisor and the child’s parents. *You must report to your supervisor all contact with a child or the child’s family outside of designated work times and activities BEFORE the contact occurs.*
3. Favouring one or more children to the exclusion of others (for example, paying a lot of attention to, giving or sending personalized gifts\*, or allowing privileges that are excessive, unwarranted or inappropriate).

\*Note: It is not inappropriate behaviour to give a contextually appropriate thank-you card, birthday card, seasonal card, or other nominal gift to the child, where such a gesture would be considered reasonable under the circumstances, provided that all gestures taken together are not excessive in number and that such exchanges are carried out within a work context, in the presence of other adults and with the full knowledge and consent of the organization.

4. Using a personal cell phone, camera or video to take pictures of a child, or allowing any other person to do so, as well as uploading or copying any pictures you may have taken of a child to the Internet or any personal storage device. Pictures taken in a work related setting, with prior written consent from the parent/guardian, and in circumstances in which the parent/guardian and your supervisor is aware that pictures are being taken may be permissible provided the organization has approved the activity in advance and has put procedures in place to ensure the pictures will be stored in a location only accessible to those with a need to access and removed when no longer required for the purpose for which they were taken.
5. Offering or providing rides to a child in your personal vehicle, or in the organization’s vehicle, except when your supervisor is aware of and has approved it and express parental consent has been granted, or in emergency situations. *You must report all rides you give to a child, whether in your own vehicle or in the company vehicle, to your supervisor.*

In addition to the foregoing, the following behaviour is considered serious and may trigger a report to child welfare in addition to any other internal disciplinary procedures:

6. Telling sexual jokes to a child or making comments to a child that are in any way suggestive, explicit or personal.

7. Showing a child material that is sexual in nature, including signs, cartoons, graphic novels, calendars, literature, photographs, and screen savers, displaying or keeping such material in a location where it is reasonably possible that a child may see it, or making such material available to a child
8. Physically or emotionally harming a child
9. Intimidating or threatening a child
10. Making fun of a child

Whether or not a particular behavior or action constitutes inappropriate behaviour will be a matter determined by the organization having regard to all of the circumstances, including past behaviour, and allegations or suspicions related to such behaviour.

## Reporting Requirements

All employees and volunteers are required to report unlawful behaviour to police/child welfare and inappropriate behaviour or incidents to their supervisor. This requirement applies not only to behaviour or incidents that you personally witness, but also to those that you hear about.

Adults often worry that they may be overreacting and misreading a situation, and this may cause them to minimize concerning behaviour they witness or hear about. There is also a fear of damaging a working relationship by raising a concern about a work colleague. It can be hard to believe that someone you work with or someone you met through your work duties could harm a child, and it can be tempting to downplay a transgression in the hopes it will not be repeated.

Keep in mind that the focus always has to be on the behaviour, not the person.

A person's character or their position in the organization has nothing to do with whether that person's behaviour is appropriate or inappropriate in a given situation. It cannot be about whether you are "right" or "wrong," it must be about doing the best you can to identify behaviour of concern so it can be dealt with appropriately.

Categories of incidents that need to be addressed by staff/volunteer under this Code of Conduct to Protect Children include the following:

### 1. Reports of Unlawful Behaviour from a Child Involving an Employee/Volunteer of the organization or a Third Party.

Disclosures or allegations of unlawful behaviour reported to an employee by a child regarding either:

- a) another employee /volunteer of the organization; or
- b) someone other than an employee/volunteer of the organization (e.g. parent, teacher, babysitter, coach);

must be reported to child welfare and/or police in accordance with the Reporting and Documenting Complaints Policy re: Potentially Unlawful Behaviour.

### 2. Unlawful Behaviour Witnessed by an Employee/Volunteer of the Organization. Any incident of alleged unlawful behaviour either:

- a) witnessed by an employee/volunteer regarding another employee/volunteer of the organization; or
- b) witnessed by an employee/volunteer regarding someone other than an employee/volunteer of the organization (e.g. parent);

must be reported to child welfare and/or police in accordance with the Reporting and Documenting Complaints Policy re: Unlawful Behaviour. If you do not know the identity of the child, take steps to find out who the child is– depending on the situation, steps may need to be taken to protect that child from additional harm, the child may need to make a statement to police, etc.

*Note: If you are a witness to abuse in progress, it is expected that in addition to reporting what you see, you will also do what you reasonably can to stop or disrupt the interaction. The steps may vary according to what you are witnessing and what personal safety considerations may exist for you and/or the child being abused. If you do not feel you can intervene safely, you should immediately get additional help, whether by calling the police, involving other employees, etc.*

**3. Inappropriate Behaviour Involving a Centre Employee/Volunteer.** Inappropriate behaviour that is either:

- a) reported to the employee/volunteer by a child or third party regarding another employee/volunteer of the organization; or
- b) witnessed by the employee/volunteer and involving another employee/volunteer;

must be reported to the organization in accordance with the Reporting and Documenting Complaints Policy re: Inappropriate Behaviour. In addition to reporting, if you witness the inappropriate behaviour you should take steps that can safely be taken to stop or disrupt the interaction, as outlined in #2 above.

**4. Inappropriate Behaviour Involving Third Parties.** Inappropriate behaviour that is either:

- a) reported to the employee/volunteer by a child or third party regarding a third party; or
- b) witnessed by the employee/volunteer and involving a third party;

must be reported to the organization in accordance with the Reporting and Documenting Complaints Policy re: Inappropriate Behaviour. In addition to reporting, if you witness the inappropriate behaviour you should take steps that can safely be taken to stop or disrupt the interaction, as outlined in #2 above.

**IMPORTANT NOTE: If you are not sure whether the issue you have witnessed or heard about involves unlawful behaviour, or inappropriate behaviour, discuss the issue with your supervisor who will guide you through the process. Remember: You have an independent duty to report all unlawful behaviour directly to child welfare.**



## Consequences of Failing to Adhere to this Code of Conduct to Protect Children

Depending on the circumstances, failure to adhere to the Code of Conduct to Protect Children by an employee/volunteer may result in:

- follow-up by the organization to (1) gather information about what happened and (2) determine what, if any, disciplinary action is required; and/or
- a report to child welfare or law enforcement (or both).

Consequences, disciplinary or corrective actions will be as determined by the [Insert head of organization], and will be based on the nature and severity of the incident, as well as information learned during follow-up, and any past behaviour of concern.

If, in following up on a concern, we believe the behaviour exhibited by an employee, volunteer or a third party may constitute unlawful behavior we will report the behaviour to child welfare and possibly law enforcement.

In addition, in circumstances where multiple behaviours are reported, where inappropriate behaviour is recurring, or where one instance of inappropriate behaviour is of serious concern, the organization may refer the matter to child welfare, law enforcement or the employee's licensing body for investigation. Failure to adhere to the Code of Conduct to Protect Children by any employee/volunteer will result in follow-up to look into the situation and disciplinary action if necessary. Appropriate consequences/disciplinary actions are to be determined by management, and will be based on the nature and severity of the incident.

I agree to comply with the Code of Conduct to Protect Children for [Insert the name of your organization here].

---

Employee/volunteer's signature

Date

## If You Have Questions

While working for the organization you are bound to be presented with issues and scenarios that have not been addressed specifically in this Code of Conduct to Protect Children, or that you need further guidance on. Should that occur, you are encouraged to approach your supervisor for guidance and direction on next steps. If your concern involves your supervisor, or you have raised the issue with your supervisor and are not satisfied with the response, you should approach [document according to the organization's chain of authority] for guidance.

# EDUCATION & AWARENESS



## POLICIES AND PROCEDURES WORKBOOK

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## Groups to Receive Training on Child Sexual Abuse

Understanding child sexual abuse is the first step towards prevention, as well as towards the creation of safer environments for children. It is important that all employees and volunteers learn about child sexual abuse and the difference between acceptable and unacceptable behaviour.

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

*Drafting Hint: Refer to Chapters 6 and 10 of the Commit to Kids program. See also the training checklist on pages 207 and 208 of the program. Consider carefully the stakeholders in your organization when determining which groups shall receive training and what level of training those groups should receive. In some cases, not all groups set forth herein will be appropriate for training by the organization. The groups to be trained really depend on the nature of the organization and the extent of risk that may exist.*

The following groups shall receive training on the issue of child sexual abuse:

1. **All new and existing employees and volunteers**, including full-time, part-time, contract, temporary, or casual.
2. **Parents or guardians.**
3. **Children in the care of the organization.** While children won't receive child sexual abuse training, they will receive training on safety strategies to help reduce the chance that they are victimized. Visit [www.kidsintheknow.ca](http://www.kidsintheknow.ca) for examples of age-appropriate safety strategies.

## Child Sexual Abuse Training for Employees/Volunteers

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

All employees/volunteers shall receive training on child sexual abuse upon starting work with **[Insert the name of your organization here]** and annually thereafter.

### **\*\*SAMPLE\*\*: PARAMETERS**

*Drafting Hint: In outlining the parameters of training, carefully consider the type and extent of training that each group will need and adjust the parameters below accordingly. For example, training for employees may be different than training for volunteers. Similarly training for parents of children attending the organization's programs will definitely be different than training for employees, and training for children in the care of the organization is also going to need to take a different form. When working through the process and the types of training that might be required, consider carefully the needs of those groups and the information that those groups need to have in order to maximize the protection of children in your care.*

Training for employees/volunteers includes:

- Understanding child sexual abuse
  - The importance of boundaries to foster healthy relationships between adults and children
  - The grooming process and inappropriate behaviours
  - Unlawful behaviour
  - What constitutes a child in need of protection or intervention

- Managing risk
- Reviewing the organization's child protection policies, including:
  - Code of Conduct to Protect Children
  - Reporting and documentation regarding potential unlawful behaviour and inappropriate behaviour
  - Handling disclosure
  - Personal information protection
- Learning how to teach prevention skills to children

## **\*\*SAMPLE\*\*: PROCEDURE**

New employees/volunteers:

- Training occurs as soon as the employee/volunteer begins working and before s/he is entrusted with the protection and care of children.
- Training occurs within the employee/volunteer's probationary period.
- Training is conducted by [insert position of the employee who will be conducting the training here (i.e. office manager, etc.)].
- Training may involve in-person group or individual training, and may include the provision of education materials to be reviewed on your own, with a subsequent opportunity to discuss the material in an individual or group setting.

Existing employees/volunteers:

- Training occurs when [Insert the name of your organization here] introduces new information about child protection or any new policies and procedures.
- Annual training sessions occur to refresh training already provided and provide a forum for issues and new ideas to be raised and discussed.
- Additional training occurs as and when deemed advisable, such as when job duties change or when the employee/volunteer has exhibited behaviour of concern.

# HIRING



## POLICIES AND PROCEDURES WORKBOOK

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# Hiring Process

*Drafting Hint: Read Chapter 5 of the Commit to Kids program, and consider your organization's existing policies (if any) to get a better idea of the needs of your organization. Also, unless this workbook is being used for an organization that is being set up for the first time, it is likely that the organization will already have hiring policies and procedures in place. Accordingly, those existing policies and procedures need to be looked at in conjunction with the information contained in Chapter 5 of the Commit to Kids program and the sample policy statement and procedures contained in this section to harmonize and ensure that the appropriate processes are taking place. Organizations must also consider any legislative, regulatory, and licensing requirements for the position. Finally, organizations should be cautious to observe the same precautions for hiring, even when the employee may be known to one or more members of the organization (relative, friend, former colleague, etc.).*

## **\*\*SAMPLE\*\*: POLICY STATEMENT**

The following hiring process must be undertaken for all new employees/volunteers, and adapted as needed whenever an existing employee is transferred or promoted to a position that may involve enhanced or increased access to children. The full process must be completed prior to allowing any employee/volunteer to work in a position with access to children.

Criminal record checks (including vulnerable sector screening), child abuse registry checks (where available), reference checks, and any other relevant checks will be required.

## **\*\*SAMPLE\*\*: PROCEDURES**

1. Create or update a job description:
  - a) Define the job and create detailed job criteria.
  - b) Include specific duties, key responsibilities and performance criteria.
  - c) Outline the level and type of contact the new employee/volunteer will have with children.
  - d) Include the specific qualifications the new employee/volunteer must possess to work with children in the organization.
2. Create a job posting and determine where the posting will be located:
  - a. Indicate in the posting that all applicants will be required to complete a thorough screening and interview process.
3. Have candidates fill out a job application form:
  - a. Gain signed consent to execute background checks (i.e. reference check, criminal record check, vulnerable sector screening check, and child abuse registry check where available).

*[DRAFTING NOTE: As of March, 2013, a child abuse registry check is available only in the Provinces of Manitoba and Nova Scotia].*

- b. Consider requesting specific information, such as:
  - Residency over the past 5 years which may identify frequent moves and will help you know where you should be submitting criminal record and child abuse registry checks.
  - Employment history (places of employment, reasons for leaving) – be sure to raise any gaps in employment during the interview.
  - Extent of prior experience working with children.
  - Level of training and education.

- Contact information for past supervisors.
- One or more acquaintances who are social acquaintances of the applicant.
- Whether the individual has ever been convicted of a criminal offence for which s/he has not received a pardon.
- Whether the applicant has been convicted of or is currently under investigation for child abuse or sexual harassment, or whether s/he has ever resigned from a position while such allegations were pending.

*Drafting Note: Be sure to check the human rights laws in your jurisdiction about whether it is permitted to seek the information described in the above two bullets at the application stage.*

4. Collect and review all resumes, cover letters and application forms, and create a shortlist of potential candidates.
5. Prepare the interview questions:
  - a) Include behavioural and situational questions.
  - b) Incorporate child protection issues into job-specific interview questions. For example:
    - Ask questions that will reveal the applicant's intention and motivation for working at your child-serving organization.
    - Ask general questions about the applicant's resumé and application form, and request clarification for any gaps in employment history/experience.
    - Ask behavioural questions that will help identify their sense of judgment and perceptions about relationships with children. Responses should demonstrate past interactions between the candidate and a child/children, providing the employer with a measure of the candidate's knowledge of appropriate boundaries with children.
    - Ask questions about other interests (hobbies, extracurricular activities, etc.) to ensure the candidate has adult-oriented interests.
    - Ask the candidate what type of supervision works best for him/her.
    - Ask about the candidate's understanding of child sexual abuse and what needs to be done to prevent it from occurring in child-serving organizations.
    - Following the first interview, provide the candidate with your organization's Code of Conduct to Protect Children. In the second interview, ask direct questions about the code, situational questions to ensure the employee has an understanding of what is required under the code, and questions about previous employers' child protection policies (if applicable).
6. Conduct first and second in-person interviews with at least one other employee.
7. Perform screening:

*Drafting Note: The screening an organization can conduct will vary by the type of organization, applicable legislation and licensing requirements. In addition, the extent and nature of reference checks will vary by nature of the position. The information in the Commit to Kids program is geared to a Canadian audience – refer to the Addendum for Users in Indiana for information regarding screening tools available in Indiana.*

- a) Criminal record check. *[Drafting Note: information available through such a check will vary by jurisdiction and municipal police force – be sure to understand the limitations of the search in your jurisdiction, and check all jurisdictions where the employee has lived during the last 5 years, at a minimum]*
- b) Vulnerable sector screening check (available as part of the criminal record check).
- c) Child abuse registry check (available in Manitoba and Nova Scotia only as of March, 2013).
- d) Reference checks (typically include current and previous employers, and any other person that can speak to an individual's honesty, integrity and character)
- e) Internet searches.\*\*

*\*\* Drafting Note: Consult with legal counsel or an HR professional for further guidance before proceeding with internet searches. An internet search might be as simple as a search of the individual's name through a popular search engine to determine if a person sharing the name of the individual has ever been the subject of a public document or news story that the organization may wish to explore further with the employee, or it may be more extensive such as searching social networks and related portals. **Before engaging in any such search, be sure you understand the legal and privacy issues associated with performing internet searches on employees.** Generally, these searches should be undertaken only with consent of the employee, and with parameters being established about the nature and extent of the internet searches. To assist employers in understanding the privacy issues that arise with information available through social media, in October 2011 the Office of the Information & Privacy Commissioner for British Columbia published a document entitled "Guidelines for Social Media Background Checks."*

- 8. Make an offer of employment only after interviews and screening are complete.
- 9. Once the offer is accepted, have the new employee/volunteer sign:
  - a) The Code of Conduct to Protect Children to confirm having read and understood the guidelines.
  - b) A confidentiality form.
  - c) An employment/volunteer contract (if you have one in addition to the offer).
  - d) Any other documentation typically signed as part of the normal hiring process within the organization.



# ORIENTATION & SUPERVISION



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## Orientation Process

*Drafting Hint: Read Chapter 6 of the Commit to Kids program and your organization's existing policies (if any) before determining what to include in this section.*

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

All new employees/volunteers shall have an orientation and be assigned a mentor when they begin at the organization.

### **\*\*SAMPLE\*\*: PROCEDURES**

Supervisors:

1. The orientation will include a review of the organization's:
  - a) History, mandate, structure and values.
  - b) Expectations of employees/volunteers and supervisors (applicable to the position).
  - c) Training on what child sexual abuse is and how it occurs in child-serving organizations.
  - d) Code of Conduct to Protect Children.
  - e) Child protection policies and procedures
    - i. Programs and services (outlining rules and what is expected of employees/volunteers).
    - ii. Reporting child abuse/inappropriate behaviour.
    - iii. Accountability and confidentiality.
    - iv. Suspension and dismissal.
    - v. Employee/volunteer supervision and evaluation.
  - f) Declaration of Understanding, including a signature affirming understanding of the organization's child protection policies and procedures and the Code of Conduct to Protect Children.
  - g) Policies and Procedures to Protect Children
    - i. All new employees/volunteers will receive their own copy of applicable sections from the Policies and Procedures to Protect Children.

## Probationary Period

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

All new employees/volunteers will undergo a six-month probation period when they begin, which will include weekly meetings with their supervisors.

### **\*\*SAMPLE\*\*: PROCEDURES**

Supervisors:

1. Carefully consider whether a new employee/volunteer is able to meet the expectations of the organization.
  - a) Pay close attention to the employee/volunteer's performance.
  - b) Observe the employee/volunteer's interactions with children and families.
  - c) Reinforce the Code of Conduct to Protect Children.

## Employee/Volunteer Supervision

*Drafting Hint: Read Chapter 6 of the Commit to Kids program and your organization's existing policies (if any), and identify the risks inherent in the programs and services you deliver to get a better idea of what you may wish to include in this section.*

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

Employee/volunteer supervision and monitoring is essential in keeping children safe.

Every employee/volunteer at [Insert the name of your organization here] shall be supervised to promote accountability and provide occasions to teach and model appropriate behaviour. Supervision shall begin the first day a new employee/volunteer starts and shall continue through his/her employment.

Such supervision will provide opportunities to observe interactions between children and adults and detect early warning signs of inappropriate employee/volunteer behaviour. Through such observation, behaviours that require corrective action should be identified promptly to prevent the inappropriate conduct from continuing or escalating to child sexual abuse.

### **\*\*SAMPLE\*\*: PROCEDURES**

Supervisors:

1. Provide informal supervision, including frequent and unscheduled drop-ins, observations and direct communication with the employee/volunteer.
2. Provide regular, formal supervision (scheduled meetings) to create workplans, discuss concerns and provide feedback.
3. Complete a performance appraisal after a new, transferred or promoted employee/volunteer's probationary period.
4. Complete a performance appraisal [Insert time period e.g. annually, semi-annually, etc.], or as required to discuss inappropriate or inadequate performance.

## Updates to Screening Process

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

*Drafting Note: Check the legislative, regulatory and/or licensing requirements you are subject to in drafting this policy. They may set forth the frequency within which various checks must be performed. Even if your province does not require that updated checks be performed, it is a good idea to perform the checks at least every two years.*

[Insert the name of your organization here] shall update all appropriate screening tools used in the hiring process (criminal records checks, etc.) every [Insert time period], and consider adding any additional screening tools that may not have existed at the date of hiring, or that may not have been applicable on hiring, but, due to changes in the nature of the position and/or legislative changes, are applicable at such date.

### **\*\*SAMPLE\*\*: PROCEDURE**

Supervisors:

1. Ask employees/volunteers to prepare documents for their checks on a timely basis.
2. Review checks and ensure they are satisfactory.

# REPORTING & DOCUMENTING COMPLAINTS / INTERNAL AND EXTERNAL COMMUNICATION



## POLICIES AND PROCEDURES WORKBOOK

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# Reporting and Documenting Complaints: Potentially Unlawful Behaviour

*Drafting Hint: Read Chapter 7 of the Commit to Kids program and your organization's existing policies (if any), and consult with HR and/or your legal counsel before creating and implementing policies in this area.*

## **\*\*SAMPLE\*\*: POLICY STATEMENT**

At [Insert the name of your organization here], all children have the right to a safe and respectful environment that is free from child sexual abuse and/or inappropriate conduct. Any abusive or unlawful act committed by an employee/volunteer will not be tolerated and will be reported to child welfare and/or law enforcement as applicable. Any employee/volunteer engaging in such acts will be subject to a range of disciplinary procedures, up to and including dismissal (see Suspension/Dismissal: Unlawful Behaviour Policy on page [Insert the page number]). Similarly, employees/volunteers who are aware of breaches of the Code of Conduct to Protect Children, but fail to take appropriate action, may be subject to discipline.

[Insert the name of your organization here] is committed to:

- Ensuring that prompt action is taken in regard to disclosures, allegations or suspicions of child abuse (and reporting to a child welfare and/or law enforcement agency and/or parents as required by law and as deemed necessary for the protection of children).
- Ensuring we create an environment that encourages disclosures, allegations or suspicions to be reported.
- Treating all disclosures, allegations or suspicions as confidential.

## **\*\*SAMPLE\*\*: PARAMETERS**

This policy applies to all employees/volunteers of [Insert the name of your organization here], including full-time, part-time, contract, temporary, or casual employees.

Employees/volunteers are required to immediately report all disclosures, allegations, suspicions, or indicators of child abuse, regardless of source or content.

This policy applies to all employees/volunteers of [Insert the name of your organization here], including term, casual and contract employees. Reference to employees/volunteers in this policy shall be as defined in the Definitions section.

Employees/volunteers are required to promptly report the following matters under this policy:

- 1. Reports of Unlawful Behaviour from a Child Involving an Employee/Volunteer of [Insert the name of your organization here] or a Third Party.** All disclosures, allegations or suspicions of unlawful behaviour towards a child reported to an employee by a child regarding either:
  - a) another employee/volunteer of [Insert the name of your organization here]; or
  - b) someone other than an employee/volunteer of [Insert the name of your organization here] (e.g. parent).
- 2. Unlawful Behaviour Witnessed by a [Insert the name of your organization here] Employee/Volunteer.** Any incident of alleged unlawful behaviour, either:
  - a) witnessed by an employee/volunteer regarding another employee/volunteer of [Insert the name of your organization here]; or
  - b) witnessed by an employee/volunteer regarding someone other than [Insert the name of your organization here] employee/volunteer (e.g. parent).

**3. Reports of Unlawful Behaviour from a Third Party Involving an Employee/Volunteer of [Insert the name of your organization here] or a Third Party.** Any alleged unlawful behaviour, either:

- a) reported to an employee by a third party and regarding another employee/volunteer of [Insert the name of your organization here]; or
- b) reported to an employee by a third party regarding someone other than a [Insert the name of your organization here] employee/volunteer (e.g. parent).

The above reporting obligations apply whether the child involved is a participant in a program of our organization or not. *NOTE: If you do not know the identity of the child, take steps to find out who the child is– depending on the situation, steps may need to be taken to protect that child from additional harm, the child may need to make a statement to police, etc.*

**\*\*SAMPLE\*\*: REPORTING REQUIREMENTS:**

An employee/volunteer has an independent legal obligation to report **unlawful behaviour** to child welfare and/or law enforcement.

Under this policy, an employee/volunteer is also required to report **unlawful behaviour** to his/her supervisor, who is then obligated to report it to [Complete in accordance with the organizational chart of your organization].

**\*\*SAMPLE\*\*: PROCEDURES**

Employees/volunteers:

1. If a child is the one conveying the information:
  - a) Treat the disclosure/allegation seriously and reassure the child.
  - b) Document the disclosure/allegation on Incident Report Form A.
2. If you witness something:
  - a) Do what you can to stop or interrupt the behaviour or situation causing the concern, to the extent you are able to do so without unreasonably jeopardizing your safety or the safety of the child involved. The steps you may be able to take will vary depending upon the situation and the safety concerns that may be applicable.
  - b) If you do not know the child or adult involved, take reasonable steps to identify the party you do not know and/or to note any identifiable features that may help to identify him/her.
  - c) Document what you have seen and what you may have done to intervene on the Incident Report Form, including whatever information you may have about the identity of the child or adult involved.
3. If the information is being conveyed through another source (third party, another employee, another volunteer):
  - a) Treat the information received seriously.
  - b) Document the information received from the reporting person, and any other information you have received on Incident Report Form A.
4. Notify your supervisor and report the matter to child welfare and/or law enforcement. A phone call to child welfare can be made by you on your own, or together with your supervisor.

**Remember: the legal duty to report lies with the individual who witnessed the incident or received the disclosure, allegation or other concern. Notifying your supervisor is for purposes of this policy only. It does not absolve an employee/volunteer of the legal obligation to report to CFS.**

5. Documentation:
  - a) Supervisor - document discussion with employee/volunteer on Incident Report Form A.
  - b) Supervisor and employee/volunteer – document discussion with CFS on Incident Report Form A.
6. The Supervisor must report the disclosure, allegation or other concern above to [Complete in accordance with the organizational chart of your organization], and the individual receiving the information must report it to [Complete in accordance with the organizational chart of your organization].
7. All employees/volunteers receiving the disclosure, allegation or other concern must keep the information confidential and in accordance with the confidentiality obligations set out at the end of this policy, and the obligations under the Policy on Communications with Employees About Unlawful Behaviour.
8. Leave the investigation up to the authorities mandated with this responsibility (child welfare and law enforcement). **Do not investigate disclosures, allegations or other concerns, and do not discuss them with others except as required to report the information or participate in a related investigation.**
9. The [Complete in accordance with the organizational chart of your organization] is tasked with:
  - a) Consulting with legal counsel and/or an HR professional.
  - b) Following steps in the Suspension/Dismissal: Potential Unlawful Behaviour policy.
  - c) Documenting the outcome on Incident Report Form A.

## OTHER MATTERS OF NOTE

### Interference with the Conduct of an Investigation

A threat or promise made to discourage a disclosure, the filing of an allegation or the reporting of a concern, or any interference with the conduct of an investigation, including an attempt to have a disclosure, allegation or other concern withdrawn, is strictly prohibited and will result in disciplinary action.

### Confidentiality

All disclosures, allegations and other concerns will be handled in confidence. We will not disclose the identity of any parties involved, or the circumstances of the disclosure, allegation or concern, except where necessary for the purpose of investigative or corrective action, where required by law, or for the protection of individuals. Similarly, employees/volunteers interviewed as part of an investigation or follow-up under this policy shall treat all information in a confidential manner. An employee/volunteer who breaches confidentiality may be subject to discipline.

A copy of the documented incident shall be placed in the accused employee/volunteer's human resource file. Any identifying information about the child victim or reporting person shall be removed from this copy. A generic letter shall also be placed in the file that indicates the alleged offence, how it was handled and any follow-up that was completed.

## Reporting and Documenting Complaints: Inappropriate Behaviour

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

At [Insert the name of your organization here], all children have the right to a safe and respectful environment that is free from inappropriate conduct. Any conduct of an employee/volunteer that violates the Code of Conduct to Protect Children will not be tolerated. Any employee/volunteer engaging in such conduct will be subject to a range of disciplinary procedures up to and including dismissal (see Discipline/Suspension/Dismissal: Inappropriate Behaviour policy). Similarly, employees/volunteers who are aware of breaches of the Code of Conduct to Protect Children, but fail to report the information and take other appropriate action as reasonable in the circumstances, may be subject to discipline.

[Insert the name of your organization here] is committed to:

- Ensuring that prompt action is taken in regard to allegations or suspicions of inappropriate behaviour.
- Ensuring we create an environment that encourages reporting.
- Treating all allegations or suspicions of inappropriate behaviour as confidential.

## **\*\*SAMPLE\*\*: PARAMETERS**

This policy applies to all employees/volunteers of [Insert the name of your organization here] including full-time, part-time, contract, temporary, or casual employees.

Our policies and procedures, and the Code of Conduct to Protect Children, defines inappropriate behaviour. Employees/volunteers are required to immediately report all inappropriate behaviour they witness or allegations or suspicions of inappropriate behaviour they learn about. If you are in doubt as to whether a behaviour is inappropriate, you must report the behaviour to your Supervisor to enable the Supervisor to make an assessment.

## **\*\*SAMPLE\*\*: PROCEDURES**

Employees/volunteers:

1. If the child is the one conveying the information about inappropriate behaviour:
  - a) Treat the information seriously and reassure the child (if appropriate).
  - b) Report immediately to your Supervisor.
  - c) Document the information provided on Incident Report Form B.
2. If you witness something that you believe may be inappropriate behaviour:
  - a) Do what you can to stop or interrupt the behaviour or situation causing the concern, to the extent you are able to do so without unreasonably jeopardizing your safety or the safety of the child involved. If you do not know the child or adult involved, take reasonable steps to identify the party you do not know and/or to note any identifiable features that may help to identify him/her.
  - b) Report immediately to your Supervisor.
  - c) Document what you have witnessed and what steps (if any) you took to stop or interrupt the behaviour on Incident Report Form B.
3. If the information is being conveyed through another source (third party, another employee, another volunteer):
  - a) Treat the information seriously.
  - b) Document the information you have received on Incident Report Form B.
4. Keep the information confidential.
5. **Do not attempt to determine the accuracy of the information. A process of information gathering will ensue once your Supervisor is made aware of the information or concern.**

Supervisor:

1. Consult with [Complete in accordance with the organizational chart of your organization], and determine whether follow-up on the concern is warranted.
  - a) Document determination on Incident Report Form B.



[Complete in accordance with the organizational chart of your organization]:

1. Meet with employee/volunteer who allegedly behaved inappropriately to discuss the information received.
  - a) Tell the employee/volunteer about the information received without disclosing the source (wherever possible).
  - b) Ask the employee/volunteer to share his/her version of events.
  - c) Document the discussion on Incident Report Form B.
2. Seek legal counsel and/or consult with an HR professional.
3. If applicable, follow steps from the Discipline/Suspension/Dismissal: Inappropriate Behaviour policy on page [Insert page number].
4. Document the outcome on Incident Report Form B.

## Other Matters of Note

### Interference with the Conduct of an Internal Inquiry into Inappropriate Behaviour

A threat or promise made to discourage the reporting of information about inappropriate behaviour in accordance with this policy, or any interference with the organization's follow-up discussions regarding information received about inappropriate behaviour, including an attempt to have any such information withdrawn, is strictly prohibited and will result in disciplinary action.

### Confidentiality

All information related to inappropriate behaviour will be handled in confidence. We will not disclose the identity of any parties involved, or the circumstances, except where necessary for the purpose of follow-up or corrective action, where required by law, or for the protection of individuals. Similarly, employees/volunteers interviewed as part of the follow-up process shall treat all information in a confidential manner. An employee/volunteer who breaches confidentiality may be subject to discipline.

A copy of the documented incident shall be placed in the accused employee/volunteer's human resource file and parents shall be alerted where appropriate and/or necessary pursuant to existing laws and/or information shall be shared with relevant child protection authorities in your province. Any identifying information about the child victim or reporting person shall be removed from this copy. A generic letter shall also be placed in the file that indicates the alleged offence, how it was handled and any follow-up that was completed.

## Communications with Employees/Volunteers

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

All information regarding disclosures, allegations and related concerns, as well as any disciplinary action taken as a result thereof, is confidential. **Circulation of any such information, whether correct or incorrect, can have serious consequences for all parties involved, and can result in legal liability to the organization and to the individual who came forward or who circulated the information.** The organization shall carefully manage all communication during formal child welfare investigations as well as during internal follow-up activities to reduce unnecessary exposure, trauma and misrepresentations. Employees will be informed on a need-to-know basis.

## **\*\*SAMPLE\*\*: PROCEDURES**

[Insert title of senior employee responsible for communicating internal information]:

1. For those employees/volunteers who have knowledge of the disclosure, allegation and/or any related concerns, the [Insert title of senior employee responsible for communicating internal information] may share the following:
  - a) Reassure employees/volunteers that standard organizational procedures are being followed with the employee/volunteer in question. Reiterate the expectation of confidentiality. Ensure it is understood that any **information that is part of a child welfare and/or law enforcement agency investigation is confidential and should not be discussed among employees. Leaking out information/details can compromise both child welfare and criminal investigations.**
  - b) Remind employees to be mindful not to risk defamation of character by talking about the employee/volunteer or the child, or making public assumptions or judgements about anyone involved.
  - c) Reassure employees/volunteers that a fair process is ensuing.

**Note: There may be times when it is alleged that an employee/volunteer sexually abused a child and the ensuing investigation by the appropriate authorities either determines that:**

- **The investigation is inconclusive and/or there is insufficient evidence to support the laying of criminal charges or formal action under child welfare legislation; or**
- **The allegation was false**

**Please note that either of the above results will require the organization to be cautious in the next steps it takes. Please refer to the section titled “False Allegations” for situations involving allegations conclusively determined to have been false, and the sections on Discipline/Suspension and Dismissal for all other results.**

## Communications with Parents: Potential Unlawful Behaviour

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

Where a report has been made to a child welfare and/or law enforcement agency, we shall consult with the agency about how the organization can support the child and communicate with the family.

### **\*\*SAMPLE\*\*: PROCEDURES**

[Insert title of senior employee responsible for consultation with child welfare]:

1. Consult with the child welfare and/or law enforcement agency and carefully consider the information communicated to parents: where, when, how, and by whom.
2. Meet with the parents with another member of the organization present (supervisor, manager, etc.).
3. Relay information to parents about the steps that will be carried out during the investigation, and assure them that the organization will not permit the suspected individual to be in contact with their child or other children in the organization's care while the investigation is ongoing.
4. Keep parents informed about the resources available to assist them.

## Communications with Parents: Inappropriate Behaviour

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

Where a report has been made to a child welfare and/or law enforcement agency, we shall consult with the agency about how the organization can support the child and communicate with the family.

### **\*\*SAMPLE\*\*: PROCEDURES**

[Insert title of senior employee responsible for consulting with child welfare/law enforcement]:

1. Meet with the parents with another member of the organization present (supervisor, manager, etc.).
2. Relay information to parents about the steps that will be carried out to follow up on the matter.
3. Keep parents informed about the resources available to assist them.

# DISCIPLINE, SUSPENSION & DISMISSAL



## POLICIES AND PROCEDURES WORKBOOK

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# Discipline/Suspension/Dismissal: Potentially Unlawful Behaviour

*Drafting Hint: Your organization likely already has policies on suspension/dismissal. Consider if these policies are sufficient given the nature of the work you do with children. For more information regarding Suspension and Dismissal refer to page 185 in Chapter 8 of the Commit to Kids program.*

## **\*\*SAMPLE\*\*: POLICY STATEMENT**

It is the responsibility of child protection and/or law enforcement authorities in your province to perform investigations of potentially unlawful behaviour. [Insert the name of your organization here] also seeks legal counsel on matters pertaining to disclosures, allegations or suspicions of unlawful behaviour. Employees/volunteers accused of potentially unlawful behaviour may be suspended from some or all duties while an investigation is ongoing, or may be dismissed.

## **\*\*SAMPLE\*\*: PROCEDURES**

1. Follow procedures under Reporting and Documenting Complaints: Potentially Unlawful Behaviour.
2. Suspend the employee with or without pay, or transfer to a position where there is no contact with children immediately upon learning of any disclosure, allegation or suspicion of unlawful behaviour. Suspend a volunteer from his/her position immediately until the investigation is completed.\*
3. Possible Outcomes of child welfare/law enforcement investigation:
  - a) Child abuse is unsubstantiated:
    - i. The employee/volunteer is fully reinstated to his/her position.
    - ii. All those notified internally of the investigation are told that the employee/volunteer has been cleared of all allegations.
    - iii. Communications with the parents of the child may occur following consultation with the child welfare or law enforcement agency that conducted the investigation. While allegations from a child about sexual misconduct are uncommon, if they do occur, they can be a sign of a child in distress and should be followed up on by the parent/guardian.
  - b) Child abuse is substantiated:
    - i. The employee/volunteer is terminated with cause from his/her position without notice. The organization will seek human resources or legal advice to ensure termination is handled appropriately.
  - c) Child abuse is inconclusive:
    - i. The organization will seek legal advice to determine options. Depending on the circumstances, consideration may be given to employee termination with appropriate severance and limited, if any, references.
4. Document the outcome of the investigation on Incident Report Form A.

\*Note: During the suspension or dismissal process, the organization will seek legal counsel.

**Considerations for the Organization:** It is important to recognize that if the result of an investigation is inconclusive, or if it is concluded by the party conducting the investigation that there is not enough evidence to support charges or formal action, it is *not the same* as finding that an allegation was false. There may be many reasons why an investigation may be inconclusive: police may decline to file charges, child welfare may not pursue formal action, or a legal process may result in an acquittal or a staying of charges. And the organization must carefully assess these reasons in light of its ongoing obligations to protect children in its care. The organization will need to carefully manage its next steps in consultation with legal counsel. Consideration will need to be given to a host of issues such as ongoing risk to the organization, legal obligations, public perception, etc. Each case will have to be addressed according to its facts and the information known to the organization at the time.

# Discipline/Suspension/Dismissal: Inappropriate Behaviour

*Drafting Hint: Consider carefully your existing policies and your legal obligations to employees and the children in your care when drafting this section.*

## **\*\*SAMPLE\*\*: POLICY STATEMENT**

[Insert the name of your organization here] follows up on all allegations or concerns of inappropriate behaviour by an employee/volunteer towards a child that does not involve potentially unlawful behaviour. Such follow-up determines what course of action needs to be taken.

Employees/volunteers that exhibit inappropriate behaviour towards a child may be disciplined, suspended or dismissed depending upon the nature of the incident and the results of any applicable follow-up discussions.

## **\*\*SAMPLE\*\*: PROCEDURES**

[Insert title of employee responsible for following up on allegations]:

1. Follow procedures under Reporting and Documenting Complaints: Inappropriate Behaviour.
2. Depending on the severity of the inappropriate behaviour at issue, the level of risk that may be associated with the individual's continued contact with children while the follow-up process is underway, and the time that may be required to complete follow-up activities in relation to the concern, an organization may choose to suspend the employee with or without pay or transfer to a position where there is no contact with children until the case is resolved, or to suspend a volunteer from his/her position immediately until the follow-up is completed. The decision to temporarily suspend an employee or volunteer is one that needs to be made on a case-by-case basis after considering all relevant information available.
3. Outcomes:
  - a) After appropriate follow-up, it is concluded that the allegations against the employee/volunteer are unsubstantiated:
    - i. The employee/volunteer is informed.
    - ii. Any individuals told about the incident are informed that all allegations against the employee/volunteer are unsubstantiated.
    - iii. Document that the allegations were not substantiated and place in a file specific to documented allegations (not in employee's personnel file) to protect the employee and organization.
    - iv. Follow up with the employee/volunteer who made the unsubstantiated allegation.
    - v. If the unsubstantiated allegation was made by a child, follow up with the child's parents. Reports of inappropriate behaviour from a child may be a sign of a child in distress and should be followed up on by the parent/guardian.
  - b) Inappropriate behaviour is substantiated or the results of the follow-up are inconclusive:
    - i. The organization will seek legal advice.
    - ii. Expectations are clarified as outlined in the Code of Conduct to Protect Children and a written warning is given (this depends on the incident, and if the incident is deemed serious, the organization may decide to pursue termination without prior warning).
    - iii. Place documentation in employee/volunteer file as outlined in organization's documentation procedures.
    - iv. Place employee/volunteer on increased supervision and document supervision plan on Incident Report Form B — Part three.

- v. Set a review period for one month (with outcome documented on Incident Report Form B — Part four). Review includes whether:
  - a) The employee/volunteer re-establishes and is maintaining appropriate boundaries. In this case, the employee/volunteer's interactions continue to be monitored.
  - b) Supervision/observations lead to further concern regarding the employee/volunteer's inappropriate conduct. In this case, further investigation occurs and if misconduct is established, further discipline up to and including termination for cause is imposed.
  - c) Short-term improvement in interactions with children; however, future inappropriate conduct is noted. In this case, further investigation occurs and if misconduct is established, further discipline up to and including termination for cause is imposed.

**Considerations for the Organization: It is important to recognize that where the result of a follow-up is inconclusive, the organization will need to carefully manage its next steps in light of all information uncovered during the follow-up process. Consideration will need to be given to a host of issues, such as ongoing risk to the organization, legal obligations, public perception, etc. Each case will have to be addressed according to its facts and the information known to the organization at the time.**

## False Allegations

### **\*\*SAMPLE\*\*: POLICY STATEMENT**

All information regarding allegations of child sexual abuse and/or inappropriate behaviour are confidential.

In matters where it has been conclusively determined through investigation or follow-up activity that the abuse or inappropriate behaviour alleged against an employee/volunteer is unsubstantiated or false, the employee/volunteer will be fully reinstated and [Insert the name of your organization here] will notify all those informed of the allegations that the allegations were found to be unsubstantiated.

### **\*\*SAMPLE\*\*: PROCEDURES**

[Insert title of employee responsible for following up on allegations]:

1. For situations where it has been alleged that an employee/volunteer engaged in unlawful or inappropriate behaviour towards a child and the allegations are unsubstantiated, the [Insert title of employee responsible for following up on allegations] will:
  - a) If an investigation was carried out by child welfare and/or law enforcement, ensure the accused employee/volunteer has been made aware of the outcome of the investigation.
  - b) If the allegation is related to inappropriate behaviour, and the organization followed up on the information and determined it was unsubstantiated, inform the employee of such outcome.
  - c) Discuss with the employee what information can be provided to those who were aware of the allegations and determine what the employee is comfortable having shared.
  - d) Provided there are no legal or other barriers to disclosure, inform employees/volunteers who are aware of the allegations that the allegations were determined to be unsubstantiated.
  - e) Reiterate the expectation of confidentiality and that the matter has been closed.

- f) If the allegation was brought forward by an employee/volunteer, follow up with the employee/volunteer who made the unsubstantiated allegation.
- g) If the allegation was brought forward by the child, consult with child welfare if needed and then follow up with the child's parents. While false allegations from a child are uncommon, if they do occur, they can be a sign of a child in distress and should be followed up on.
- h) If there is information to suggest the allegation was made maliciously, consider what further action may be necessary.

**Note for staff managing such situations: In situations where the allegation is found to have been false, the affected employee/volunteer may be traumatically impacted. This can cause significant damage to his/her professional and personal reputation, as well as great psychological suffering. In such cases, it is important to re-establish employee/volunteer morale and trust, taking care to respect confidentiality and the investigative process. Consult with a legal professional regarding what can and should be shared with employees and others who have knowledge of the disclosure, allegation and any related concerns**



# ACCOUNTABILITY & CONFIDENTIALITY



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# Confidential Information

*Drafting Hint: For more information regarding Accountability and Confidentiality, refer to page 189 in Chapter 8 of the Commit to Kids program.*

## **\*\*SAMPLE\*\*: POLICY STATEMENT**

Employees/volunteers of [Insert the name of your organization here] are regularly entrusted with confidential information regarding the community it serves. All information with respect to third parties (including information related to children and families) received by employees/volunteers in the course of their involvement with [Insert the name of your organization here] are regarded as confidential.

Suspensions of unlawful or inappropriate behaviour will only be shared with the employees/volunteers in the organization who need to know. [Insert the name of your organization here] will maintain confidentiality while keeping the interests of the child as the primary concern.

## **\*\*SAMPLE\*\*: PROCEDURE**

Employees/volunteers:

1. All disclosures, allegations or suspicions of unlawful or inappropriate behaviour by an employee/volunteer will be directed through the formal process in a prompt manner.
2. No employee/volunteer shall attempt to address a disclosure, allegation or suspicion of unlawful or inappropriate behaviour on his/her own.
3. No employee/volunteer shall engage in, or threaten to engage in, retaliation against anyone who discloses, reports or otherwise provides information with respect to alleged unlawful or inappropriate behaviour.
4. No employee/volunteer shall disclose any confidential information to the public or to the media regarding [Insert the name of your organization here] policies, operations, employees, volunteers, or reports, and no employee/volunteer shall speak with the public or the media in respect of a disclosure, allegation or suspicion of unlawful or inappropriate behaviour unless, and only to the extent, authorized by the organization.
5. Upon commencement of employment, the employee/volunteer shall sign a confidentiality agreement.

# PROGRAMS, SERVICES & ACTIVITIES



## POLICIES AND PROCEDURES WORKBOOK

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[Insert risk management procedures for programs, services and activities]

*Drafting Hint: The policies and procedures related to your organization's programs, services and activities, developed under this section, will be specifically tailored to your organization. For more information regarding programs, services and activities, refer to page 190 in Chapter 8 of the Commit to Kids program. The following are examples tied to programs, activities and services, and may or may not be applicable depending upon your organizational framework.*

- *No employee/volunteer shall transport children in his/her personal vehicle without authorization from his/her supervisor.*
- *At overnight activities, the adult-to-child ratio shall be no less than 1-5 and adults will sleep in rooms separate from children.*
- *No employee/volunteer shall photograph, videotape or otherwise record a child unless it has been pre-approved by the child's parent and his/her supervisor.*
- *No employee/volunteer will have children at his/her home without the parent's permission and authorization from his/her supervisor.*

# ACKNOWLEDGEMENT

I hereby confirm that I have received a copy of and read the Policies and Procedures to Protect Children and accept continued employment/voluntary service on the terms and conditions set out therein.

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Name

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Signature

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Date

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Witness



# APPENDICES



## POLICIES AND PROCEDURES WORKBOOK

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[Add appendices as applicable]