

Key Steps to Help Prevent Abuse in Your Organization

Abuse happens. All one has to do is open the newspaper or turn on the TV. Media sources frequently report instances of abuse committed by employees/volunteers of youth organizations, sports associations, schools, daycares, nursing homes, churches and group homes, to name a few.

Organizations that fail to properly secure the safety of the population within their care are held accountable by the legal system, the population they serve, and the community whose support they rely on. They are faced with expensive litigation, front page headlines, loss of reputation, loss of volunteers, and a decline in charitable donations. Failing to prevent abuse is costly in so many different ways.

Organizations can protect themselves by adopting and implementing industry-recognized best practices. Below we have listed eight key practices to help guard against abuse.

- 1) Stringent employee/volunteer screening procedures, including:
 - a) Police background checks
 - b) Checking all employment references
 - c) Confirming volunteer work history
 - d) Verifying educational qualifications
 - e) Instituting probationary periods
 - f) Providing written employment application forms
 - g) Performing regular performance reviews
- 2) Having a written policy that includes:
 - a) A Mission Statement
 - b) Complaint Procedure
 - c) Investigation
 - d) Disciplinary Action
 - e) Confidentiality of Information
 - f) Signatory page
- 3) Staff Training
The best way to prevent and respond to abuse is to have well-trained, sensitive and dedicated staff. Let staff know that reporting suspected cases of abuse is everyone's responsibility.

Child & Family Services Act, R.S.O. 1990, mandates that abuse against children be reported. Don't place employees in positions of trust and responsibility without providing the training they require.
- 4) Defined Procedures to Protect Whistleblowers.
Constructive whistleblowing protects the organization by increasing transparency, giving the organization an early "heads up" that things aren't right, and fosters a work

environment that holds all employees accountable. It's best to learn early of unlawful practices from your employees rather than the media or a regulatory body. Before placing employees in positions of trust and responsibility, ensure they are given the support and security they require.

- 5) Implement and follow your policies and procedures.
- 6) Require that all visitors report to the receptionist, wear ID badges, and be escorted through the premises with a staff member.
- 7) Review the design of your premises. Identify areas within your facility that are open and provide easy access for abusers. Look for ways to redesign these areas.
- 8) Document all incidents, allegations, complaints, investigations and disciplinary action taken. Develop template forms that allow you to document the abuse incident and retain these forms in the event of litigation.

Few organizations can afford the financial consequences and distractions of a suit alleging abuse. The key practices listed above will help to bolster your risk management practices.

Bill 65 Has Passed – Are you Ready?

On October 9 2010, the Ontario Government passed Bill 65, the new Not-For-Profit Corporations Act (NFPCA) 2010. It was created to provide the 46,000 provincially incorporated Not-For-Profits with an updated legal framework. Bill 65 follows the federal Not-For-Profit Corporations Act (June 2009).

The NFPCA will affect every existing NFP in Ontario. One key feature is the new protection for directors and officers. The NFPCA sets out directors and officers liabilities, and the standard of care directors and officers will be held accountable for. Directors are given a reasonable diligence defence; both current, and former, directors and officers are entitled to be indemnified by the corporation so long as the individual acted honestly and in good faith similar to the standard set out in modern corporate statutes across Canada.

For additional information please visit www.sse.gov.on.ca or, contact your representative at Frank Cowan Company for more details.

At Work and At Play – Does Your Organization Have the Right Insurance Coverage?

Childcare providers strive to provide a safe and healthy environment for the children in their care. As legislation, programming and parental expectations change and evolve, organizations are exposed to a variety of risks that they may not be aware of – or prepared for.

The chart below provides a quick overview of some of the top exposures currently being faced by children and youth service providers, and how to best prepare for these challenges. These examples are just a guide and as always, we recommend that you talk to your broker about your specific requirements, and the coverage limits and options available to you.

This brochure is intended to provide general information only. Please refer to the policy document for complete details. The policy terms, conditions and limitations shall apply in all instances.

Exposure Cowan Solutions

1) Abuse

Providers interact with children, and provide various levels of care which may include; feeding, changing, diapering, teaching, disciplining, counseling, and supervision of trips or camps.

This close interaction with children has the potential for allegations of abuse. Lawsuits arising out of these allegations may come forward many years after the incidents allegedly occurred, and can take years to resolve.

Professional and sensitive handling of these claims is necessary to a successful resolution and can minimize the damage to your reputation.

2) Bodily Injury

Unfortunately, accidents do happen and children in care can suffer bodily injury.

As a result, you could be exposed to any number of allegations such as, lack of supervision, inadequate staffing, lack of maintenance, and lack of training.

In such situations, your policies, practices and procedures will be called into question, and you could potentially be compared to your peers.

3) Property

Buildings and contents can be destroyed or damaged by fire and other perils, and operations displaced.

Operations may be interrupted by emergencies, infectious disease, bomb scares, child abduction, domestic violence and other threats.

Premises must be kept safe in order to avoid bodily injury.

- The Frank Cowan Company Liability policy protects you on an occurrence basis, with no aggregate, and with a variety of limits available.
- An occurrence-based policy responds to incidents that occurred during the policy period. It will respond years later for an incident that occurred during the policy period. It is therefore important to know that your insurer is stable, so if a claim is brought forward years later, they will be there for you. For over 80 years Cowan has been there for our clients, and we will continue to be.
- Our claims department understands the unique nature of abuse claims. We have experience working with a number of clients, such as, Boys & Girls Clubs, YMCA's, and camps. We work with other experienced professionals to not only resolve the claim but to provide advice and guidance to help you deal with media relations and best practices.
- Our Risk Management department can review and make recommendations regarding your abuse policy and procedures, surrounding documentation, record-keeping and risk mitigation.
- The Frank Cowan Company Liability policy has been structured to assist you in defending bodily injury claims against your organization and against other insureds (such as trustees, board members, employees and volunteer workers).
- Our Risk Management department can assist you in identifying and managing risk by benchmarking, policy and procedural audits and claims history analysis.
- An injured child can wait until after reaching the age of majority to file a claim so a claim can be presented many years after the incident occurred. We have structured our liability policy on an occurrence form so that protection in place at the time of the incident will respond, even if the claim is brought years later.
- The Frank Cowan Company Property policy provides "All-Risk" coverage, on a Blanket Replacement Cost basis, with no co-insurance clause or margin clause (both clauses restrict or impose a cap on the amount recoverable in the event of a loss).
- Under our blanket property insurance, building and content values for multiple locations are combined into a single blanket amount of coverage that is available to any one location in the event of a loss.
- Frank Cowan Company has expanded our offering of Business Interruption coverage to protect your centre's business continuity plans.
- Our Risk Management department can inspect your buildings and determine the replacement values for insurance purposes, as well as identify and prioritize liability hazards.

Cowan's Risk Management Services at a Glance

At Frank Cowan Company, we understand that your environment is not only challenging but also constantly changing. We have experience dealing with insurance issues specific to entities providing services to children and youth. That's why we not only focus on identifying and mitigating traditional risk issues but also on identifying new and emerging risk trends.

Did you know we have a Risk Management department of 11 staff dedicated to risk management? Utilizing their skills and in-depth knowledge, we are able to assist you by quickly identifying emerging risks that may need to be incorporated into your existing risk management program.

No Additional Cost

Cowan's risk management services are offered at no additional cost to our clients. This is a value added service we provide to our clients because we believe it is a critical component of any risk management and insurance program.

Services Offered to our Clients

Legislative Reviews

We have a dedicated Risk Analyst that monitors provincial legislatures and the House of Commons for new legislation and amendments to existing legislation that may impact operations. By doing so, we can identify new regulatory changes on a timely basis and then work with you to modify your current risk management program to incorporate these changes if applicable.

Benchmarking

Our extensive database of clients and claims information can help you get a clearer understanding of your risk performance by benchmarking your results against those of your peers. This information can help you take action where necessary to improve your policies and procedures and further protect your organization.

Contractual Reviews and Consultation

We offer valuable feedback and insight on the suitability and effectiveness of liability transfers and insurance clauses in your contracts and agreements.

Risk Inspections

We are available to provide risk inspections of your facilities. Our inspection process determines the construction details, updates the use and occupancy classification, produces a photographic inventory of your building(s) and calculates replacement costs for insurance purposes. The inspection report includes a description of any identified loss hazards with recommended risk control measures. Cowan's risk management inspectors calculate replacement cost based on information gathered from conducting on-site inspections of your physical building inventory and a variety of resources to gather additional data.

Educational Seminars

Cowan provides ongoing training seminars for our clients, including those particularly of interest to non profit entities. We have developed sessions that identify and provide risk mitigation strategies for areas including:

- Managing Playgrounds
- Contractual Risk Management
- Volunteers
- Guidelines for Developing an Abuse Policy
- Risk Management 101
- Creating a Culture of Security
- Outdoor Winter Recreational Activities
- Premises Liability

We are always pleased to develop customized risk training seminars on topics requested by our clients.

Policy and Procedural Audits

We help our clients audit systems and processes to reduce potential losses within their operations and specifically focus on documentation, reporting and consistency with accepted standards and practices.

Claims History Analysis and Review

We provide a claims history review with a focus on the predominant sources of claims. After completing the review, we provide you with risk management suggestions to help eliminate many of these sources.

Viewing Your Premises Through the Eyes of a Child

Children love to play. It's how they learn and expend energy. It's also how they view the world. Many adults can attest to seeing children making drums out of pots and pans, or turning the couch into a fort. When it comes to facilities for children, their minds are no different. What to us might seem like a piece of equipment to them is a new toy to be explored – sometimes with disastrous consequences.

In a recent claim involving an after-school program, a Grade 4 student was injured during an arts and crafts activity. There were five children in the room at the time. The Grade 4 student spied a moveable storage shelf and thought it would be fun to lie down inside of it. Another child ran over and knocked the unit over, causing the Grade 4 student to dislocate her knee.

There was a staff member supervising the children in this room. Program guidelines allow a ratio of children to program workers at 10:1. So they were well within the allotted guidelines at 4:1. However, the insured was exposed to liability because the bookshelf was on casters and was not affixed to the wall.

In another claim, a 7-year-old was injured while playing in a large foam pit in a room set up by the after-school program. There was a metal bar that children were trying to jump up and grab. The one child missed, fell backwards and hit her head on the edging around the pit. While parts of the perimeter edge had carpeting, the edge where the girl hit her head had no carpeting or padding.

Her mother was called to pick her up, and she took her child home to clean her up before taking her to the walk-in clinic. The child collapsed while at the clinic. An ambulance was called and the young girl was taken to emergency, sedated and intubated. Her CAT scan came back normal.

The insured was exposed to liability because there was only carpeting around the edge of the foam pit, but no padding. The metal bar has since been removed.

Through a Child's Eyes

As adults, it can sometimes be difficult to think like a child. To help you start to see the world as they do, and identify the potential hazards on your premises, we have pointed out a few key areas to focus on:

1. Large cabinets or storage – Children love to play hide and seek, and think jumping out of these hiding spots is great fun. Consider locking all large cabinets and removing or attaching shelving permanently to the floor or walls.
2. Moveable chalkboards – It would also be a good idea to secure these to the wall when not in use.
3. Indoor playground equipment – If you offer large foam pits or other apparatus for children to play on, we recommend looking at the set-up as a whole.



Ask yourself:

- Is there enough padding around the outside?
- Where is the equipment positioned?
- Are there any hazards such as windows or metal bars they may hit?
- Can you think of other ways children might use the equipment other than what it was intended for? For example, hiding in, or jumping off of.

Entities that provide activities and services to children are providing an excellent resource for our community. We recommend reducing your exposure to liability by first thinking like a child and then reviewing all of your facilities through the eyes of a child to help bolster your risk management practices.

As a service to our clients, our risk management department researches and writes articles on subjects relevant to your clients. More articles can be found on our website at www.frankcowan.com. If you have a topic you would like us to research please contact barb.szychta@frankcowan.com.