

## 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.

## Are You Ready For Bill 168?

Changes to Ontario's Occupational Health & Safety Act (OHSA) to strengthen protections for workers from workplace violence and address workplace harassment come into effect on June 15, 2010.

Workplaces covered by the OHSA must implement policies and programs regarding workplace violence and workplace harassment and provide information and instruction to their workers on these new policies and programs.

Additional information is available from the Ministry of Labour Ontario [www.labour.gov.on.ca](http://www.labour.gov.on.ca). The Canadian Centre for Occupational Health & Safety (CCOHS) provides a number of resources including publications, seminars and a free webinar [www.ccohs.ca](http://www.ccohs.ca)

# At Work and At Play – Does Your Daycare Centre Have the Right Insurance Coverage?

Daycare centres and 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, daycares are exposed to a variety of risks that they may not be aware of – or prepared for.

The chart below provide a quick overview of some of the top exposures currently being faced by daycares, 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
<p><b>1) Abuse</b></p> <p>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.</p> <p>This close interaction with children has the potential for allegations of abuse against the daycare. Lawsuits arising out of these allegations may come forward many years after the incidents allegedly occurred, and can take years to resolve.</p> <p>Professional and sensitive handling of these claims is necessary to a successful resolution and can minimize the damage to the daycare's reputation.</p>	<ul style="list-style-type: none"><li>• The Frank Cowan Company Daycare Liability policy protects your daycare on an occurrence basis, with no aggregate, and with limits available up to \$5 million.</li><li>• An occurrence-based policy responds to incidents that occurred during the policy period. It is therefore important to know that your insurer is stable and committed to insuring daycare risks, 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.</li><li>• Our claims department understands the unique nature of abuse claims. We have experience working with schools, daycares and Children's Aid Societies. 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.</li><li>• Our Risk Management department can review and make recommendations regarding your abuse policy and procedures, surrounding documentation, record-keeping and risk mitigation.</li></ul>
<p><b>2) Bodily Injury</b></p> <p>Unfortunately, accidents do happen and children in care can suffer bodily injury.</p> <p>As a result, a daycare could be exposed to any number of allegations such as, lack of supervision, inadequate staffing, lack of maintenance, and lack of training.</p> <p>In such situations, your policies, practices and procedures will be called into question, and you could potentially be compared to your peers.</p>	<ul style="list-style-type: none"><li>• The Frank Cowan Company Daycare Liability policy has been structured to assist daycare centres in defending bodily injury claims against the centre and against other insureds (such as trustees, board members, employees and volunteer workers).</li><li>• As noted above, the Daycare Liability policy is occurrence-based, so it will respond years later for an incident that occurred during the policy period. Claims may come forward in future years when complications from injuries become more apparent as the child ages and grows.</li><li>• Our Risk Management department can assist you in identifying and managing risk by benchmarking, policy and procedural audits and claims history analysis.</li></ul>
<p><b>3) Daycare Property</b></p> <p>Buildings and contents can be destroyed or damaged by fire and other perils, and operations displaced.</p> <p>Operations may be interrupted by emergencies, infectious disease, bomb scares, child abduction, domestic violence and other threats.</p> <p>Daycare premises must be kept safe in order to avoid bodily injury.</p>	<ul style="list-style-type: none"><li>• 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).</li><li>• 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.</li><li>• Frank Cowan Company has expanded our offering of Business Interruption coverage to protect your centre's business continuity plans.</li><li>• Our Risk Management department can inspect your buildings and determine the replacement values for insurance purposes, as well as identify and prioritize liability hazards.</li></ul>

# 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 educational institutions and daycares. 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 daycare.

### **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 educational institutions. 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
- Developing a Risk Management Committee
- Creating a Culture of Security
- Outdoor Winter Recreational Activities

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 ten year 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.

# ABC's of Playground Equipment Maintenance

**A** daily, monthly, and seasonal maintenance schedule should be created and strictly followed to promote a safe play environment for children.

**B**ushes, shrubs, trees, and other foliage should be trimmed or removed from the playground area to eliminate hiding spots for predators, muggers, vandals, etc.

**C**AN/CSA - Z614-07 Children's Playspace and Equipment Standard has been accepted by the Courts as the minimum requirement for playgrounds.

**D**ocument all inspections and maintenance.

**E**xit height of all slides should comply with CSA standards to provide a safe transition from the slide bed to the protective surface.

**F**encing should be inspected for any visible damage, protruding points, and hardware.

**G**rease all moving parts as required. Wipe off excess oil or grease.

**H**orizontal distance between adjacent to-fro swing seats at rest shall be no less than 600 mm (24").

**I**ncidents that occur on the equipment can lead to liability claims. Record all incidents, not just accidents.

**J**oining points at all angles or openings shall be less than 3" or more than 10" to reduce the chance of head entrapment.

**K**ids are "carefree" not "careless" in the eyes of the law.

**L**et manufacturers and installers provide their resources and expertise when making significant repairs or alterations.

**M**ajority of serious playground injuries result from falls onto surfaces that are not resilient enough. Concrete, asphalt, grass, turf and hard-packed dirt are not acceptable.

**N**eck and head entrapment, toggle and string entanglement, and falls to hard surfaces are typical hazards that can be prevented.

**O**ur society is becoming increasingly more litigious and injury awards are escalating.

**P**layground injuries resulting from falls can be prevented by ensuring all equipment has a surface around it in accordance with CSA Standards.

**Q**uickly respond to public complaints.

**R**ecords should be kept on each piece of playground equipment to track maintenance schedules, repairs, costs and injury incidents.

**S**-hooks should be fully closed at all times and should never be re-used. Such a device is considered closed when there is no gap or space greater than 1 mm.

**T**rain your employees in appropriate playground inspection, maintenance, CSA Standards, and incident management.

**U**pgrading existing playground surfaces and equipment can prevent injury to children.

**V**ertical distances between the underside of a swing seat and the protective surfacing shall not be less than 300 mm (12").

**W**ooden, hard plastic, or metal swing seats should not be used. Approved cloth or rubber sling style seating is safer and more forgiving if the seat strikes a child.

**X**plain your incident reporting system to all employees.

**Y**ou should remove all homemade playground & equipment that is old, worn out, or irreparable according to CSA Standards.

**Z**ero-tolerance policy should be adopted for equipment that doesn't meet standards.

As a service to our clients, our risk management department researches and writes articles on subjects relevant to public sector organizations including daycares. More articles can be found on our website at [www.frankcowan.com](http://www.frankcowan.com). If you have a topic you would like us to research please contact [barb.szycha@frankcowan.com](mailto:barb.szycha@frankcowan.com).



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