

THE MUSICAL STAGE COMPANY

POLICIES AND PROCEDURES

SUBJECT: Vulnerable Sector Policy

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1. Policy Statement:

1.1 The Musical Stage Company is fully committed to safeguarding the welfare of all children, young people, and vulnerable adults in its care. It recognizes its responsibility to promote safe practices and to protect children, young people and vulnerable adults from harm, abuse and exploitation.

1.2 Throughout these policies and procedures, reference is made to children and vulnerable adults. These terms are used to mean “those under the age of 16 or up to 18 if under the care of the Children’s Aid Society”. The Musical Stage Company also recognizes that some adults are also vulnerable to abuse, and therefore the procedures may be applied accordingly (with appropriate adaptations) to allegations of abuse and the protection of vulnerable adults.

1.3 This Policy is a companion to the Respect in the Workplace Policy, and both policies are to be thoroughly read and understood by all employees, contract workers, volunteers, program participants and board members (“Representatives”). The Musical Stage Company is committed to ensuring that it:

- (a) Provides a safe environment for children, young people and vulnerable adults (“Vulnerable Persons”);
- (b) Identifies children, young people and vulnerable adults who are suffering, or likely to suffer, significant harm; and
- (c) Takes appropriate action to see that such children, young people and vulnerable adults are kept safe when interacting with The Musical Stage Company.

1.4 In pursuit of these aims, this policy will address The Musical Stage Company’s policies surrounding the keeping of vulnerable persons safe by:

- (a) Promoting and implementing appropriate procedures to safeguard the well being of vulnerable persons and protecting them from abuse while participating in The Musical Stage Company activities and programs;
- (b) Recruiting, training, supporting and supervising staff and volunteers to adopt best practices to safeguard and protect vulnerable persons from abuse and to reduce risk to themselves;
- (c) Requiring staff and volunteers to adopt and abide by this Vulnerable Sector Policy and these procedures;
- (d) Establishing procedures for reporting and dealing with allegations of abuse against members of staff and volunteers; and
- (e) Monitoring and evaluating the implementation of this policy and these procedures and adapting them whenever there is a significant change at The Musical Stage Company or if there are any legal changes.

1.5 The Musical Stage Company will refer concerns that a child or young person might be at risk of significant harm to the Children’s Aid Society.

2. Definitions:

2.1 The Musical Stage Company recognizes the following definitions:

2.2 **“Child”** or **“Young Person”** according to Ontario law, is someone under 16 years of age or someone up to 18 years of age if under the care of the Children’s Aid Society.

2.3 **“Vulnerable Adult”** is a person aged 18 years or older who may be unable to take care of themselves or unable to protect themselves against significant harm or exploitation.

2.4 **“A child in need of protection as defined by the Child, Family, and Community Services”** means any vulnerable person who has been placed at risk through something a person has done to them or something a person is failing to do for them. This includes any form of physical harm, emotional deprivation, sexual mistreatment or neglect which can result in injury or psychological damage to a child, young person, or vulnerable adult.

2.5 **“Physical abuse”** may consist of just one incident or it may happen repeatedly. It may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a vulnerable person including deliberately causing ill health.

2.6 **“Emotional abuse”** involves harming a vulnerable person’s sense of self. It includes acts (or omissions) that result in, or place a vulnerable person at risk of, serious behavioural, cognitive, emotional or mental health problems. For example: emotional abuse may include verbal threats, social isolation, intimidation, exploitation, or routinely making unreasonable demands. It also includes terrorizing a vulnerable person, or exposing them to family violence. Some level of emotional abuse is present in all forms of abuse.

2.7 **“Sexual abuse”** involves forcing or enticing a vulnerable person to take part in sexual activities, whether or not the vulnerable person is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. This may also include involving vulnerable persons in prostitution or pornography.

2.8 **“Neglect”** is the persistent failure to meet a vulnerable person’s basic needs for their physical or emotional development and well-being such as failing to provide adequate food, shelter and clothing, or not being responsive to a vulnerable person’s basic emotional needs.

3. Roles and Responsibilities for Vulnerable Persons’ Protection:

3.1 While the primary responsibility for the protection of children from abuse rests with the Children’s Aid Society, all Musical Stage Company Representatives who come into contact with children and vulnerable adults have a duty to help protect them from abuse or risk of abuse.

3.2 The responsibility for managing this policy lies with The Musical Stage Company’s senior management. The Managing Director will have the responsibility for the implementation of the vulnerable persons protection guidelines and procedures

3.3 The Musical Stage Company Management is responsible for ensuring that a safe environment is maintained throughout all programs by:

- (a) implementing all procedures relating to vulnerable persons’ protection
- (b) establishing a reporting protocol that complies with provincial child protection legislation
- (c) ensuring that all staff and volunteers who have significant contact with vulnerable persons are oriented to protection policies and procedures
- (d) ensuring that all Representatives have read, understood, and signed the Code of Conduct.

3.4 The Musical Stage Company Representatives have a responsibility to ensure the safety of vulnerable persons in their care by:

- (a) reporting that a vulnerable person is in need of protection as provided in Section 125 of Ontario's Child, Youth and Family Services Act;
- (b) notifying their supervisor that a report is being made;
- (c) creating a safe and caring environment for vulnerable persons.

4. Guidelines for the Protection of Vulnerable Persons

4.1 The Musical Stage Company supports and requires all staff and volunteers to observe the following guidelines including verbal and non-verbal actions when involved in activities with vulnerable persons. These guidelines are a clear and concise guide of what is and is not acceptable behavior or practice when working with vulnerable persons. Through defining what is and is not acceptable behavior, good practice can be promoted and opportunities for abuse minimized. This can also help prevent false allegations being made against Representatives.

All concerns about breach of these guidelines will be taken seriously and responded to in line with The Musical Stage Company's procedure for responding to concerns about abuse.

4.2 Good Practices:

- (a) Treat all vulnerable persons equally, with respect, dignity and fairness
- (b) Give constructive feedback rather than negative criticism
- (c) Involve parents wherever possible and reasonable
- (d) Be vigilant and aware of how actions can be misinterpreted and always work in an open environment. Avoid private or unobserved situations with a vulnerable person.
- (e) Ensure the number of Representatives is appropriate to safely supervise an activity.

4.3 Practices to be Avoided:

- (a) Spending excessive (i.e. unwarranted) amounts of time alone with vulnerable persons away from others.
- (b) Having "favourites" could lead to resentment and jealousy by other vulnerable persons and could be misinterpreted by others.
- (c) Where possible, doing things of a personal nature for children and vulnerable adults that they can do for themselves.

4.4 Practices that are Prohibited:

- (a) Engaging in rough or physical contact
- (b) Forming intimate emotional, physical or sexual relationships with vulnerable persons.
- (c) Allowing or engaging in touching a vulnerable person in any sexually suggestive manner.
- (d) Allowing vulnerable persons to swear or use sexualized language unchallenged.
- (e) Making sexually suggestive comments to a vulnerable person, even in a joking manner.
- (f) Reducing a vulnerable person to tears as a form of control.

- (g) Allowing allegations made by a vulnerable person to go unchallenged, unrecorded or not acted upon.
- (h) Inviting or allowing a vulnerable person to stay with you at your home.
- (i) Asking a vulnerable person to keep any type of secret from other vulnerable persons, or Representatives.

5. Procedure for the Recruitment and Selection of Staff and Volunteers:

5.1 The Musical Stage Company will take all reasonable steps to ensure unsuitable people are prevented from working or volunteering with vulnerable persons.

5.2 This recruitment and selection procedure has two functions

- (a) Provides The Musical Stage Company with an opportunity to assess the suitability of an individual to work/volunteer with vulnerable persons; and
- (b) Provides the prospective employee or volunteer with an opportunity to assess the organization and the opportunities available.

5.3 Procedure for all Representatives that require regular contact with vulnerable persons:

- (a) All job postings used to recruit and select staff/volunteers to positions involving regular contact with vulnerable persons will include a statement that a police information check/vulnerable sector screening is a requirement for the position.
- (b) A minimum of two reference letters (where practical and reasonable) will be requested before an offer of employment is made. All of these references will be at arm's length. Where possible, at least one of the references will be from an employer or volunteer organization where the position required the incumbent to work with children and/or young people. References from relatives will not be accepted.
- (c) Formal interviews, either in person or by telephone, will be required for all positions of trust where there is no prior working relationship with the organization.
- (d) Potential employees and volunteers will be offered positions conditional upon the production of a satisfactory police records check/vulnerable sector search and acceptance of the employment obligations e.g. Code of Conduct
- (e) During orientation, new staff and volunteers will be made aware of policies on protecting vulnerable persons, on staff conduct, and legal requirements in reporting suspected abuse.
- (f) Until the orientation is complete and a satisfactory Police Information Check/Vulnerable Sector Search is received, the new staff/volunteer will not have unsupervised access to vulnerable persons.

6. Police Record Checks

6.1 In the interest of safety for our participants, all artists and volunteers involved in delivering arts programs in educational or community settings will be required to obtain police background checks or vulnerable service verification.

6.2 All artists and volunteers who deliver arts programs in educational or community settings (including, but not limited to One Song Glory) shall have a Vulnerable Sector Screening completed prior to the start of the delivered activity. Additionally, any child chaperones hired to supervise children participating in our Mainstage Productions must have a Vulnerable Sector Screening completed prior to the start of the delivered activity. As the Vulnerable Sector Screening document is the property of the applicant, applicants must submit a copy of the report to The Musical Stage Company along with their signed contract. The Vulnerable Sector Screening is not required for artists and volunteers who are in the low risk category which is defined as “minimal or no contact with vulnerable persons” which includes talks with student groups delivered in the theatre.

6.3 The Musical Stage Company will facilitate and pay for the completion of the Vulnerable Sector Screening Check by the Toronto Police.

6.4 Any Vulnerable Sector Screening that indicates convictions, charges and pending charges related to the following, shall result in that individual being rejected by The Musical Stage Company and disqualified from participating in any activity involving the vulnerable sector:

- (a) POSSESSION OF CHILD PORNOGRAPHY;
- (b) SEXUAL EXPLOITATION, SEXUAL ASSAULT, and PHYSICAL ABUSE of women, children and other vulnerable persons.
- (c) All other results shall be considered by the Board on a case by case basis.

6.5 Workers or volunteers who have previously obtained a Vulnerable Sector Screening within the last 36 months do not have to renew their Vulnerable Sector Screening unless requested by a partner organization. Said people will be asked to sign an annual affidavit affirming that they have not been charged with any criminal offense since their last screening in addition to providing a copy of their last screening.

6.6 The Musical Stage Company does not require disclosure of an applicant’s contact with the Toronto Police Service under the Mental Health Act in the reference check results to be provided to the applicant.

6.7 For the purposes of this policy, Vulnerable Sector Screening can be satisfied through a Vulnerable Sector Verification.

7. Education and Training for Keeping Vulnerable Persons Safe:

7.1 All Representatives working with vulnerable persons will receive training adequate to familiarize themselves with child protection issues and responsibilities and The Musical Stage Company procedures and policies. By signing the Code of Conduct, a Representative is attesting to having completed this training.

In the event of any change to this Policy, all Representatives will be made aware of the changes and/or will receive an orientation to the new policy and may be required to re-sign the Code of Conduct.

7.2 The learning opportunities for staff and volunteers to develop and maintain the necessary skills and understanding to keep vulnerable persons safe will include the following:

- (a) All Representatives who will be working with vulnerable persons will have training on child protection when they join The Musical Stage Company. This will include an introduction to The Musical Stage Company's Vulnerable Sector Policy as well as abuse prevention literature.
- (b) All Representatives who will be working with vulnerable persons are provided with opportunities to learn about how to recognize and respond to concerns about abuse.
- (c) Vulnerable persons are provided with advice and support on keeping themselves safe.
- (d) Opportunities exist for learning from practical case experience to be fed back into organizational training and development programs.

8. Responding to Disclosure or Suspicion of Abuse:

8.1 In the event that a vulnerable person discloses or there are grounds to suspect abuse, The Musical Stage Company will take prompt and immediate action. The Musical Stage Company is required to report any suspected cases of vulnerable person abuse or neglect to the appropriate authorities for investigation. The first priority will be to ensure that no vulnerable person is exposed to unnecessary risk by taking precautionary measures as advised by the Children's Aid Society (see end of document for child protection phone numbers). All disclosures will be treated seriously and confidentially.

8.2 Procedures for Handling Disclosure by a Vulnerable Person Regarding Abuse or When Abuse is Suspected:

- (a) In all cases, there is an obligation for a Representative to report suspected abuse or any disclosure by a vulnerable person to the appropriate authorities (Children's Aid, other protection service, or the police). Note that time is of the essence in all situations of abuse.
- (b) The Representative who suspects abuse or receives the disclosure (whether the disclosure is concerning a present or past allegation) is to notify their supervisor, the Artistic Director, Managing Director, Board Chair, or other Board member, whomever the Representative deems most appropriate, immediately. If the Representative's first choice is not available, another contact should be made.
- (c) Management is to take immediate steps to ensure that the vulnerable person is safe. This includes taking the necessary steps to ensure that the suspected Representative is not left alone with the vulnerable person and is placed on a leave of absence pending further investigation.
- (d) Management will advise the alleged abuser of The Musical Stage Company's requirement to report the alleged abuse with Children's Aid Society in in some circumstances, the Police.

- (e) Management will ensure that all information will be kept confidential and will only be provided to those who require it for the protection of the vulnerable person.
- (f) The Children's Aid Society (or similar vulnerable person protection agency) will be contacted (even if the circumstances are uncertain, it is prudent to contact the Children's Aid Society for consultation) and the following information should be documented:
- Type of abuse suspected.
 - If physical, documented on chart the location, approximate size (relate size to coin) and colour of marks.
 - Name, address, birth date, telephone number of child. Make sure to document any comments the child might have concerning the marks and also the child's condition at the time of the report.
 - The name and telephone number of the individual suspected of abuse and where they can be located. If individual suspected of abuse is not the parent, then the name, telephone number and parent's location is to be given. It is important to let the agency know how to approach these parents.
 - If the decision to report was made after talking to the parents, then document where the incident occurred and any other information you might have.
 - If this is not the first incident of concern, have other reports available for reference.
 - If any other person or agency has been involved with the child, have the name and telephone number available
 - When calling the Children's Aid Society, be prepared to give your full name, professional title, and the name of the organization you are representing.
- (g) Once the necessary authorities have been contacted, the Representative shall no longer pursue the matter and will leave the investigation up to the proper authorities.
- (h) In the case of repeated minor incidents:
- i. Record, in writing, all details related to the incidents, including date, time, observation, people involved, and the name of the Representative reporting the incident.
 - ii. Monitor the situation and update record as appropriate. This documentation continues until the situation is judged severe enough to warrant further action or until suspicions are allayed.
 - iii. Report if the evidence persists or escalates to a severe case.

9. Disciplinary action:

9.1 If, after an investigation, it is determined by The Musical Stage Company that any Representative has been involved in abuse of a vulnerable person disciplinary action will be taken. Any disciplinary action will be determined by the organization in consultation with Children's Aid or other protection service, and will be proportional to the seriousness of the behaviour concerned. Such disciplinary action may involve counselling, a formal warning, or termination of employment.

9.2 Criteria in determining level of disciplinary action shall be based on fact scenario and will take into account harm to the vulnerable person, harm to the company and its reputation.

9.3 Where the conduct involves, or may involve, criminal activity, The Musical Stage Company reserves the right to invoke criminal charges.

9.4 Representatives have a duty to disclose criminal activity.

9.5 Any interference with the conduct of an investigation, or retaliation against a Complainant, Respondent or witness, may itself result in disciplinary action.

10. Abusive Behaviour Between Children:

10.1 Abusive behaviour between children, including sexual behaviour, generally involves an imbalance of power. For example, one child may be significantly older than the other, or one of the children may be more vulnerable for other reasons.

This kind of behaviour has many different causes and occurs along a continuum of severity. Responses to the child's behaviour will therefore vary. A sensitive, collaborative approach and careful analysis by service providers, parents and the community are key components of any effective response.

Upon discovery of the allegations, the Representative are to immediately intervene in the interests of protection and safety and then the parents of the children involved will be contacted and be involved in the response decision.

The decision to contact Children's Aid Society will be made on a case-by-case basis.

11. Abuse Prevention:

11.1 The Musical Stage Company views the prevention of abuse and the safety of vulnerable persons as a priority. Prevention is always the first line of defense against occurrences of abuse. All Representatives are reminded of their obligation to follow the Code of Conduct and to adhere to policies and procedures aimed at ensuring an abuse-free environment. Beyond this, there is a duty upon all to prevent abuse by discouraging inappropriate activities and by reporting incidents.

12. Confidentiality:

12.1 Abuse allegations will be received and investigated in a confidential manner in accordance with these procedures, including prescribing corrective action. Information that must be shared will be disclosed on a need-to-know basis.

12.2 Any allegation or suspicion of abuse will be considered personal information 'supplied in confidence'. All names associated with the circumstances of the abuse will not be disclosed to any person except where disclosure is necessary for the purpose of investigation and disclosure to the Children's Aid Society.

12.3 Strict confidentiality cannot be guaranteed to anyone once an allegation has been passed on to the Children's Aid Society or any other abuse prevention body or legal authority.

For further inquiries:

Contact the General Manager & Producer.

APPENDIX A
SUSPECTED CHILD ABUSE REPORTING FORM
CONFIDENTIAL WHEN COMPLETED

Reminder:

- The person who suspects abuse/received the disclosure must make the call to authorities themselves
- Document the facts only and do not include your personal feelings about the incident or opinions about what may have happened
- Fill out this form every time you have reason to suspect abuse has occurred (even if you only made a consultation call to Children's Aid Society or other protection service)
- If a mistake is made, do not use white out but rather, cross it out, initial it and continue writing
- If a child is in immediate danger, contact your supervisor immediately to discuss if calling the police is required
- Submitted as the original document. Do not re-write your documentation.
- Signed, dated, and placed in a sealed envelope

Date Form Completed: _____

Name of Musical Stage show or program: _____

VULNERABLE PERSON'S INFORMATION

Name: _____ Male Female Other

Age: _____ Date of Birth: _____

Address: _____

City/Province _____ Postal Code _____

Phone #: _____

Name of Parent/Guardian: _____

Relationship to Child: _____

Reason for this Report:

Suspicion of abuse

Child disclosure

Allegation of abuse against a MSC staff

Please use facts only and bullet point form when completing the following questions:

Describe fully the incident, statement of behaviour and/or physical indications of abuse. Describe fully using the vulnerable person's words, the interaction between the vulnerable person and the person to whom the vulnerable person disclosed.

If vulnerable person's explanation was sought or offered, give details, including what was said and when:

If other staff were consulted about this incident, give details, including the name of the staff, what was said and when:

Describe fully the physical condition of the vulnerable person, including injuries, burns, welts, and/or signs of illness.

Describe fully the emotional condition of the vulnerable person, including any behavioural problems, and the vulnerable person's response upon disclosure. Were there any noticeable changes in the vulnerable person's behaviour patterns during the disclosure?

Report made to (circle all that apply):

Children's Aid Society Ministry of Education (if applicable) Police

MSC Management Other: _____

Date and time report was made: _____

Children's Aid Society branch: _____

Children's Aid Society case worker: _____

Children's Aid Society case worker contact information: _____

Police branch: _____

Police case worker: _____

Police case worker contact information: _____

Any instructions given by CAS or the Police:

Other Comments or observations:

Your name: _____

Date: _____

Signature: _____