



# A Safe Environment Policy *for the* Diocese of London

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# Table of Contents

Message from the Office of the Bishop .....	2
1.0 Policy Statement .....	4
2.0 Purpose of Policy .....	4
3.0 Application and Scope .....	4
4.0 Definitions of Misconduct and Persons Involved .....	6
5.0 Principles - Roles and Responsibilities .....	7
6.0 Principles - Duty to Report .....	9
7.0 Protocol for Responding to Complainants .....	10
8.0 Protocol for Responding to Accused Person .....	11
9.0 Follow-up to an Investigation .....	12
10.0 Protocol for Supporting Complainants .....	12
11.0 Protocol for Supporting Parishes .....	13
12.0 Code of Conduct and Responsibilities.....	13
 Appendix 1: Prayer for Healing for Victims of Abuse .....	 16
 Appendix 2: Duty to Report Child in Need of Protection – Section 125 <i>Child, Youth, and Family Services Act, 2017</i> .....	 17
 Appendix 3: Parent/Guardian Liability Waivers and Consent Sample Forms .....	 22
 Resources .....	 27



## OFFICE OF THE BISHOP

25 March 2021

Solemnity of the Annunciation of the Lord

Dear Sisters and Brothers in Christ,

Many lessons have been learned since the Diocese of London developed its first policy for dealing with sexual abuse by priests in 1989. With the growing body of knowledge and experience, it is necessary to review and update this important policy continually. As well, we take direction from the collective wisdom of the Canadian Conference of Catholic Bishops and its recommendation that all dioceses across Canada undertake a review and revision of their policies, as expressed in *Protecting Minors from Sexual Abuse*, published in 2018.

By virtue of this letter, therefore, I promulgate this fourth edition of *A Safe Environment Policy for the Diocese of London*, and order its publication and distribution in print and on our diocesan website.

Among the lessons learned over the years, and reflected in this policy, is that complainants are the centre of our attention. We recognize the courage needed to come forward and the need for the complainants themselves to drive the process of healing, reconciliation and resolution. This lesson is reflected in our revised policy, in the expanded protocols for receiving and dealing with complaints.

As more and more people are working alongside our priests at various levels of parish ministry, we have learned the importance of continuing education for our priests, deacons, lay ecclesial ministers, parish employees, and the host of volunteers who give of their time and talent. To this end, this policy has been expanded to include all these groups as participants in maintaining a safe environment in all our parishes and related institutions. As well, as an ancillary document, we had already reviewed and revised our *Called, Gifted & Sent* manual for

volunteers in 2018. This policy harmonizes with that new manual in the protocols and the new Code of Conduct found herein. The *Called, Gifted & Sent* manual is also available on our website. These are just two ways that this revised policy reflects our growing knowledge and attention to this work.

In the Foreward of the 2018 document of the Canadian Bishops, I wrote the following, which bears repeating here:

Our diocese has been hard hit by the crisis of sexual abuse. All of our people, including our priests, have had to carry the heavy burden of this scandal. This crisis has changed our Church. It has changed me. I know that if I am to be a good shepherd, I have to be firm in my commitment to do everything possible to bring an end to clergy sexual abuse in our diocese. Our Safe Environment Policy has served us well. For it to be effective, however, all of us have to be vigilant and work together to ensure the safety of our children [and all our parishioners]. With the help of the Spirit, we must strive to be authentic witnesses of Christ's love, healing, and reconciliation (from *Protecting Minors from Sexual Abuse, A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*, Ottawa: CCCB, 2018, p. 12).

I pledge myself, once again, to that firm commitment to do everything possible to bring an end to clergy sexual abuse in our Diocese. I believe I can speak for all the people of the Diocese that this is our collective will. May God who has begun the good work in us, bring it to completion (cf. *Phil* 1:6).

Sincerely yours in Christ,

+ *Ronald P. Fabbro, C.S.B.*

Most Rev. Ronald P. Fabbro, C.S.B.

Bishop of London

## 1.0 Policy Statement

The Diocese of London believes that the protection of minors and vulnerable persons is part of the very mission of the Church because it enables all members of the community to practice their faith in a safe environment, confident that all the faithful are committed to their protection and well-being. The Diocese expects its bishops, priests, deacons, lay personnel, and volunteers to live chaste and moral lives, respecting in every way the integrity of others. Inappropriate sexual activity abuses the power and authority of the pastoral role of all who work for the people of God and serve them. For all to grow in personal holiness is the first goal of the diocesan pastoral plan.

## 2.0 Purpose

Sexual misconduct is always a tragedy and calls for the Diocese to respond with justice and compassion toward all persons. The original development and regular review of this policy has as its goals the following:

1. The prevention of sexual abuse
2. The protection of the vulnerable
3. The pastoral care of those wounded by misconduct
4. The acknowledgement of the legal rights of the accused
5. The appropriate action toward those who have committed sexual misconduct
6. Co-operation with the criminal and civil judicial systems, subject to the inviolability of the sacramental seal.

## 3.0 Application and Scope

To ensure that this purpose is realized, the Diocese will:

- 3.1 Apply this policy to all clergy with faculties to minister in the Diocese as well as to all employees and volunteers of the Diocese.
- 3.2 Inform clergy, employees, and volunteers about their obligations and ensure that they comply with civil, canonical, diocesan, and other appropriate standards of conduct.
- 3.3 Respond in a timely fashion to all complaints of sexual

misconduct whether current, recent, or in the distant past.

- 3.4 Inform all of their right to seek legal or ecclesial remedies.
- 3.5 Regularly provide ongoing formation for all seminarians, candidates for the diaconate, deacons, and priests on issues of friendship, intimacy, psychosexual development, and religious chastity and celibacy as well as issues related to addiction and sobriety.
- 3.6 Inform seminarians, candidates for the diaconate, deacons, priests, lay personnel and volunteers about the Safe Environment Policy and procedures governing all aspects of misconduct.
- 3.7 Ensure that all seminarians, candidates for the diaconate, deacons, priests, lay personnel, and volunteers understand that they must respect and obey canonical, diocesan, civil, and other appropriate standards of conduct.
- 3.8 Support the Seminary in its work of primary formation of seminarians, candidates for the diaconate, and lay ministry on issues related to friendship, intimacy, psychosexual development, religious chastity, and celibacy.
- 3.9 Regularly review the procedures to deal effectively with complaints of misconduct in a timely fashion, and with the consequences of incidents of misconduct.
- 3.10 Become knowledgeable about the existence of respective policies and protocols for intervention, which provide for the efficient management of and adequate response to an allegation of sexual abuse of a minor committed in the Diocese by a consecrated person, cleric, or layperson officially mandated by an institute of consecrated life.
- 3.11 Work with Senior Leadership to present bi-annual workshops on various aspects of providing and sustaining a “safe environment”.
- 3.12 Ensure that a victim always has a primary claim upon pastoral concerns.
- 3.13 Comply and enforce provincial and federal legislation to protect minors from abuse.

#### 4.0 Definitions of Misconduct and Persons Involved

- 4.1 “Abuse” is understood to mean any physical, verbal, emotional, or sexual behaviour by a representative of a Church entity:
- Which causes a person to fear for his or her physical, psychological, or emotional safety and well-being.
  - Which the alleged perpetrator knows or ought to have reasonably known would cause that person to have concern or fear for his or her physical, psychological, or emotional safety and well-being.
- 4.2 “Sexual misconduct” is any act deemed to be a sexual offence according to canon law, the Criminal Code of Canada, and the applicable laws of the province.
- 4.3 “Grooming” is a wide variety of behaviours, such as spending inordinate amounts of time with a particular person, affording special privileges, or providing gifts, trips, and other expressions of special attention.
- 4.4 “Harassment” means engaging in a course of vexatious comments or conduct that is known or reasonably known to be unwelcome.
- 4.5 A “minor” is considered to be, for the purposes of this policy, any person under the age of eighteen years or other such age which is in accordance with the prevalent secular, canonical, and social norms.
- 4.6 A “vulnerable adult” refers to a person who is defined as an adult by secular statutes but who lacks an adult mental capacity or who, by reason of advanced age, physical illness, mental disorder, or disability at the time the alleged abuse occurred, was or might be unable to protect him- or herself from significant harm or exploitation.

#### 5.0 Principles - Roles and Responsibilities

- 5.1 The Bishop will appoint:
- The Bishop’s Delegate (may be a priest, a deacon, or any other suitable person, male or female)
  - The Deputy Delegate
  - The Director of Safe Environment Services
  - The Safe Environment Advisory Committee.
- 5.2 The Bishop’s Delegate shall:
- Report to the Bishop
  - Meet regularly with the Director of Safe Environment Services and the Bishop’s Deputy Delegate
  - Meet at least three times per year with the Safe Environment Advisory Committee
  - Represent the Diocese in all legal matters
  - Ensure that the policies and procedures related to a safe environment have been implemented and complied with
  - Ensure that the Major Superiors, and members of institutes of consecrated life, apostolic societies and new ecclesial movements that are present in the Diocese are aware of the guidelines issued by the Canadian Conference of Catholic Bishops to assist dioceses and Religious Ordinaries in updating protocols and the *Safe Environment Policy for the Diocese of London*
  - Respond to any allegation of misconduct against members of the clergy or lay ecclesial ministers
  - Manage the diocesan response to a complaint of misconduct from the time the complaint is received until it is resolved
  - Comply with reporting requirements of the *Child, Youth, and Family Services Act, 2017*
  - Co-operate with police and judicial authorities conducting a separate investigation.
- 5.3 The Deputy Delegate shall:
- Report to the Bishop’s Delegate
  - Represent the Bishop’s Delegate in the absence of the Delegate or in the event of the Delegate’s incapacity.

5.4 The Director of Safe Environment Services shall:

- Report to the Bishop's Delegate
- Maintain indefinitely, full, and complete records of meetings of the Safe Environment Advisory Committee and all matters related to this policy
- Meet regularly with the Bishop's Delegate and the Safe Environment Advisory Committee
- Assist the Bishop's Delegate in the management of the diocesan response to a complaint of misconduct from the time the complaint is received until it is resolved.
- Comply with reporting requirements of the *Child, Youth, and Family Services Act, 2017*
- Co-operate with police and judicial authorities conducting a separate investigation
- Represent the Diocese in the absence of the Bishop's Delegate and Bishop's Deputy Delegate.

5.5 The Safe Environment Advisory Committee will be comprised of:

- The Bishop's Delegate as chair to call and preside over meetings of the committee
- The Bishop's Deputy Delegate
- The Director of Safe Environment Services
- A Canon Lawyer
- A Civil Lawyer
- A mental health professional
- Other members of the community from related backgrounds.

5.6 The Safe Environment Advisory Committee:

- Shall meet at least three times per year to review proceedings and the status of any current matters, and to monitor compliance with the Safe Environment Policy for the Diocese of London
- Shall review all allegations of misconduct and advise the Bishop's Delegate on a course of action
- Shall keep records of meetings and proceedings
- Assist, if required, with outreach to a parish where misconduct has occurred
- Shall review policy every four years or as needed.

## 6.0 Principles – Duty to Report

- 6.1 There is a legal obligation to report a suspicion of abuse of a minor who is less than 16 years of age to the Children's Aid Society. Failure to report promptly on such complaints risk exposing the young person to harm and exposes the individual who fails to report to prosecution. The provincial legislation concerning this is the *Child, Youth and Family Services Act, 2017*.
- 6.2 *The Child, Youth and Family Services Act, 2017* continues the ability of an individual to make a report to a Children's Aid Society if there are reasonable grounds to suspect that a youth who is 16 or 17 is in need of protection. While the legislation states that a report is permissible, it is not mandatory that all cases which come to the attention of the Diocese will be reported.
- 6.3 Clergy, lay personnel, or volunteers involved in any diocesan or parochial activity will report to the Bishop's Delegate all allegations of misconduct.
- 6.4 Every allegation of sexual abuse by a member of the clergy, a non-ordained member of an institute of consecrated life, society of apostolic life or new ecclesial movement, or a layperson engaged in apostolic activities must be reported to the Bishop's Delegate or to the Bishop's Deputy Delegate.
- 6.5 When receiving a complaint, clergy, lay personnel, or volunteers are to limit themselves to listening and giving assurance that the Diocese takes all complaints seriously.
- 6.6 When receiving a complaint clergy, lay personnel, or volunteers will inform the complainant that all complaints must be reported to the Bishop's Delegate.
- 6.7 The credibility of the complaint should not be commented on and assistance should be offered in contacting the Bishop's Delegate.
- 6.8 The Bishop's Delegate and/or the Bishop's Deputy Delegate may be contacted by phoning the Diocese of London at

519-433-0658 and asking to speak to the Bishop's Delegate, the Bishop's Deputy Delegate, or the Director of Safe Environment Services. Alternatively, use "Contact Us" on the diocesan website at the following link <https://dol.ca/news-1>

## **7.0 Protocol for Responding to Complainants Making Allegations of Misconduct**

- 7.1 A complaint is received by the Bishop's Delegate, the Bishop's Deputy Delegate, or the Director of Safe Environment Services.
- 7.2 The Bishop's Delegate and the Bishop's Deputy Delegate or the Director of Safe Environment Services shall conduct an initial interview with the complainant.
- 7.3 The Bishop's Delegate and the Bishop's Deputy Delegate or the Director of Safe Environment Services shall offer compassionate regard for the individual, gather information about the experience and shall commit to providing a response on behalf of the Diocese.
- 7.4 Pastoral care will be offered in the form of support for counselling by an accredited professional.
- 7.5 Following the initial interview a report will be written documenting the interview.
- 7.6 The complainant will be given the opportunity to review the report and to offer any further information.
- 7.7 If requested, support will be provided to the complainant who is 16 or over to report to their local police services.
- 7.8 The Bishop's Delegate will notify the appropriate insurance carriers and the diocesan lawyers.
- 7.9 The Bishop's Delegate, with the advice of the Safe Environment Advisory Committee, will suggest to the Bishop a diocesan response, and will inform the complainant in due course.

## **8.0 Protocol for Informing an Accused Person**

- 8.1 The Bishop's Delegate and the Bishop's Deputy Delegate or the Director of Safe Environment Services with the assistance of the appropriate member of the Human Resources Personnel Team will conduct the internal investigation of an accused individual.
- 8.2 The accused individual will be informed of his or her right to be represented by civil and/or canonical counsel.
- 8.3 The accused individual will be informed in writing as to the name of the accuser and the exact nature of the complaint.
- 8.4 The Bishop's Delegate will instruct the accused that he or she should not attempt to contact the complainant, the complainant's family, known witnesses, or the complainant's counsel.
- 8.5 The accused individual will be instructed that any contact with the parish with which the complaint is associated must first be vetted with the Bishop's Delegate.
- 8.6 The Bishop's Delegate and the Safe Environment Advisory Committee will, after considering the facts, come to a recommendation to be presented to the Bishop as to whether an accused person should be temporarily removed.
- 8.7 The recommendation may also include:
  - Psychological assessment
  - Prompt removal of the alleged abuser from any situation in which an offense might be repeated
  - Transfer to a suitable environment pending investigations
  - Any suggested penalty, which in accordance with the *Code of Canon Law*, may include a petition for dismissal from the clerical state.
- 8.8 During the preliminary investigation, the accused has a right to just and fit sustenance.
- 8.9 Anonymous complaints will be documented and investigated to the extent possible.

## 9.0 Follow-up to an Investigation

- 9.1 Following an internal investigation or a trial in criminal court the reassignment of an individual will be determined by the Bishop in consultation with the Bishop's Delegate and the Vicar for Priest Personnel. It is for the Bishop to determine any eventual return to active ministry.
- 9.2 When an accused priest, deacon, or lay ecclesial minister admits that he or she has sexually abused a minor, or if found guilty of sexual abuse of a minor in a court of law, he or she will not be returned to active ministry.
- 9.3 A plan for the accused individual's future activities will be determined by the Bishop in consultation with the Bishop's Delegate and the Vicar of Priest Personnel.
- 9.4 The Communications Specialist will manage the communications plan for the Diocese concerning a misconduct case.

## 10.0 Protocol for Supporting Complainants

- 10.1 No complainant should ever be discouraged or pressured to refrain from reporting the misconduct to law enforcement agencies or child welfare authorities, or from seeking legal advice or compensation through civil action.
- 10.2 Financial supports for counselling for a specified period of time will be offered to the complainant. Financial remuneration will be at a rate which is congruent with current guidelines for fees established by the therapist's profession.
- 10.3 The Diocese will arrange and fund an initial assessment by a certified practitioner recommended by the Safe Environment Advisory Committee. The assessment shall include the scope and recommendation for treatment.
- 10.4 Based on the assessment, the Bishop's Delegate will set a reasonable duration for the prescribed protocol of treatment.

- 10.5 The Diocese will fund professional treatment by a certified counsellor of the complainant's choice who is using evidence-based therapies. If at the end of the prescribed amount of time, further extension/modification of treatment is recommended, the Diocese may agree to extend treatment and/or ask for another independent assessment.

## 11.0 Protocol for Supporting Parishes

- 11.1 Where misconduct has been reported, the Bishop's Delegate will coordinate with the Episcopal Vicar of that deanery, a procedure for addressing the questions and concerns of parishioners.
- 11.2 The nature of the procedure will depend upon the particulars of each case, and it may not be possible to provide information because of the involvement of law enforcement officials or because of the complainant's request for confidentiality.
- 11.3 The response may include information sessions, distribution of written information, and support for the family members of those who are directly affected.
- 11.4 The assistance of the Safe Environment Advisory Committee may also be sought.

## 12.0 Code of Conduct

The Diocese of London have set this Code of Conduct to create a safe and secure environment for minors and vulnerable adults participating in ministry activities in the parishes of the Diocese. The Code of Conduct provides guidelines for planning and for behavior, with the goal to prevent and manage the risk of harm and abuse to minors and/or vulnerable adults, as well as parish staff and volunteers. In creating a safe and positive environment, it is understood that the protection and promotion of the well-being of minors is the responsibility of all adults. Adult conduct, which positively embraces Gospel beliefs, is vitally important. Each parish within the Diocese of London shall conduct an annual review of its environment to ensure that it is safe for minors and vulnerable people. (*Revised April 2023*)



### 12.1 Planning:

- a. Ensure that minors in your care are appropriately supervised at all times.
- b. Plan all activities on the basis that more than one adult is present at all times.
- c. Ensure that the physical environment is safe and, where minors are involved with adults in a regular activity, physical structures should be reviewed and where necessary changed.
- d. Dressing areas for minors shall be gender specific and segregated from adult areas.
- e. Obtain appropriate consent from a parent/guardian.
- f. At the conclusion of activities, release minors or vulnerable persons only into the care of a parent/guardian or the person with express permission of the parent or guardian.
- g. Anyone taking a minor or vulnerable person home at the end of an activity must ensure that a parent/guardian has given consent and that, as a general rule, one is not alone with the minor or vulnerable person.
- h. Keep current completed medical forms during activity including an individual management plan.
- i. Educate minors or vulnerable persons in safe and responsible internet practices; the same principles that apply to relationships and conduct generally apply to online situations.

### 12.2 Priests, Deacons, Lay Ecclesial Ministers, Volunteers shall:

- a. Never be alone with a minor, or vulnerable person unless an open and supervised environment is maintained.
- b. Conduct in a group format activities which by their very nature give rise to one-on-one minor/adult encounters (such as the sacraments of Penance, first Communion, and Confirmation).
- c. Celebrate the sacrament of Penance with minors in an open space that allows the penitent and the priest to be in full view of others.
- d. Take care not to touch a child in an inappropriate or unnecessary fashion.
- e. Take care not to form inappropriate relationships;

it is the responsibility of the adult to set appropriate boundaries.

- f. Not invite a child or vulnerable person on personal trips or vacations.
- g. Not give or show favouritism to any particular minor or vulnerable person; for instance through gifts or continually showing greater attention than is given to others.
- h. Not spend time alone with, or arrange to meet minors or vulnerable persons, outside of parish or diocesan activities.
- i. Not contact minors or vulnerable persons through social-networking sites or through mobile phones (such as texting).
- j. Not “friend”, “follow” or “like” a minor or vulnerable person for whom one has a duty of care on social-network sites using a personal account, only use parish or diocesan accounts.
- k. Only initiate contact with minors or vulnerable persons using parish or diocesan social-networking sites and email (not personal accounts) or through mobile phones using software/apps that record your interactions.
- l. Direct a minor or vulnerable person who initiates contact using a personal social-media account, to send further communication to a parish or diocesan account.
- m. Ensure the presence of another adult in circumstances where it is necessary to provide assistance of a personal nature to a minor or vulnerable person whose development level or incapacity is such that he or she requires such assistance.
- n. Implement the following guidelines for overnight sleeping arrangements:
  - o Depending on the ages of the children, but always in the case of teenagers or vulnerable adults, males and females should sleep in separate rooms
  - o If supervising adults are to sleep in the same room, more than one adult should always be present.
- o. Not use offensive language and avoid speaking in a manner that may embarrass or humiliate.
- p. Restrict access to personal living quarters and/or motor vehicles.

## Appendix 1

### Prayer for Healing for Victims of Abuse

Praise to you, Father of our Lord Jesus Christ, source of all consolation and hope.

By your Son's dying and rising he remains our light in every darkness, our strength in every weakness.

Be the refuge and guardian of all who suffer from abuse and violence.

Comfort them and send healing for their wounds of body, soul, and spirit.

Rescue them from bitterness and shame and refresh them with your love.

Heal the brokenness in all victims of abuse and revive the spirits of all who lament this sin.

Help us to follow Jesus in drawing good from evil, life from death.

Make us one with you in your love for justice as we deepen our respect for the dignity of every human life.

Giver of peace make us one in celebrating your praise, both now and forever.

Amen

*2002, Diocese of St. Cloud. Used with permission.*

## Appendix 2

### Duty to Report Child in Need of Protection – Section 125 *Child, Youth, and Family Services Act, 2017*

- 125(1) Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall immediately report the suspicion and the information on which it is based to a society:
1. The child has suffered physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
    - i. failure to adequately care for, provide for, supervise, or protect the child, or
    - ii. pattern of neglect in caring for, providing for, supervising, or protecting the child.
  2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
    - i. failure to adequately care for, provide for, supervise, or protect the child, or
    - ii. pattern of neglect in caring for, providing for, supervising, or protecting the child.
  3. The child has been sexually abused or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child.
  4. There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3.
  5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable

or unable to consent to, the treatment on the child's behalf.

6. The child has suffered emotional harm, demonstrated by serious,
  - i. anxiety,
  - ii. depression,
  - iii. withdrawal,
  - iv. self-destructive or aggressive behaviour, or
  - v. delayed development,and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
7. The child has suffered emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i,ii,iii,iv, or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to prevent the harm.
10. The child suffers from a mental, emotional, or developmental condition that, if not remedied, could

seriously impair the child's development and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

11. The child's parent has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment.
13. The child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

#### **Ongoing duty to report**

- (2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if the person has made previous reports with respect to the same child.

#### **Person must report directly**

- (3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on the person's behalf.

### **Duty to report does not apply to older children**

- (4) Subsections (1) and (2) do not apply in respect of a child who is 16 or 17, but a person may make a report under subsection (1) or (2) in respect of a child who is 16 or 17 if either a circumstance or condition described in paragraphs 1 to 11 of subsection (1) or a prescribed circumstance or condition exists.

### **Offence**

- (5) A person referred to in subsection (6) is guilty of an offence if,
- (a) the person contravenes subsection (1) or (2) by not reporting a suspicion; and
  - (b) the information on which it was based was obtained in the course of the person's professional or official duties.

### **Professionals and officials**

- (6) Subsection (5) applies to every person who performs professional or official duties with respect to children including,
- (a) a health care professional, including a physician, nurse, dentist, pharmacist, and psychologist;
  - (b) a teacher, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, youth and recreation worker, and operator or employee of a childcare centre or home childcare agency or provider of licensed childcare within the meaning of the *Child Care and Early Years Act, 2014*;
  - (c) a religious official;
  - (d) a mediator and an arbitrator;
  - (e) a peace officer and a coroner;
  - (f) a lawyer; and
  - (g) a service provider and an employee of a service provider.

### **Volunteer excluded**

- (7) In clause (6) (b), "youth and recreation worker" does not include a volunteer.

### **Director, officer, or employee of corporation**

- (8) A director, officer or employee of a corporation who authorizes, permits, or concurs in the commission of an offence under subsection (5) by an employee of the corporation is guilty of an offence.

### **Penalty**

- (9) A person convicted of an offence under subsection (5) or (8) is liable to a fine of not more than \$5,000.

### **Section overrides privilege, protection from liability.**

- (10) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion.

### **Solicitor-client privilege**

- (11) Nothing in this section abrogates any privilege that may exist between a lawyer and the lawyer's client.

### **Conflict**

- (12) This section prevails despite anything in the *Personal Health Information Protection Act, 2004*.

## Appendix 3

### Sample Parent/Guardian Consent Form and Liability Waiver, and Parent/Guardian Consent Form and Liability Waiver for Virtual Meetings



1070 Waterline Street  
London, Ontario N6A 3Y3  
519-433-0658 ext. 352  
Fax: 519-433-0611  
www.diol.ca

#### Parent/Guardian Consent Form and Liability Waiver

Name of Event: \_\_\_\_\_ Event Date: \_\_\_\_\_  
Host Parish and/or Family of Parishes: \_\_\_\_\_  
Participant's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_  
Home Address: \_\_\_\_\_  
City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Participant Cell Phone: \_\_\_\_\_ Gender: ☐ Male ☐ Female  
Participant Email Address: \_\_\_\_\_  
Name of Parent/Guardian: \_\_\_\_\_ Relationship to Participant: \_\_\_\_\_  
Parent/Guardian Primary Phone: \_\_\_\_\_ Cell Phone ☐ Home Phone ☐  
Parent/Guardian Email Address: \_\_\_\_\_  
Method of Contact during Event: \_\_\_\_\_  
School/Parish: \_\_\_\_\_ Town/City of School/Parish: \_\_\_\_\_  
Teacher/Leader: \_\_\_\_\_ Contact Information: \_\_\_\_\_

#### Event Details:

Sometimes it is necessary to change the location of an event to another nearby facility, or the platform as an electronic gathering. If this becomes necessary, the Diocese of London Event Host will notify the participants and parents and/or guardians. Such notification may be facilitated by the hosting school and/or parish.

1 of 3

#### Media Release:

Photos and/or videos may be taken to be used on the Diocese of London websites or social media platforms, in printed materials, or submitted with press releases to local publications to illustrate our community for potential visitors. Reasonable efforts will be made by the Diocese of London not to identify participants by name. The Diocese of London is not responsible if participants disseminate names.

#### Authorization for Communications:

The Diocese of London may provide resources and communications to further develop your family's understanding of future activities and events, delivered to the Participant's school, home mailing address, and/or electronically.

I/we consent to receiving resources and communications from the Diocese of London to any of the above-mentioned contact methods. I/we understand that I/we may withdraw this consent at any time.

#### Consent, Indemnification & Release of Liability:

I/we, on behalf of myself/ourselves, the Participant, my/our and the Participant's heirs, executors, personal representatives, successors and assigns, hereby:

- Represent that I am/we are the parent(s), legal guardian(s) or other authorized person(s) or organization with authority over the Participant.
- Consent to the Participant participating in the Event, and/or possible use of photo and video.
- Confirm that I am/we are aware of the usual risks and dangers inherent in participation in the activities associated with the Event, as described in the Event Details (see page 1), and that serious injury is possible.
- Acknowledge and agree that I/we remain legally responsible for any personal action(s) taken by the Participant, and I/we fully indemnify and save harmless the Diocese of London, its Bishop, parishes, officers, directors, priests, deacons, volunteers, employees and agents, including chaperones or other representatives associated with the Event, from any claim for damages to person or property caused by the Participant.
- Forever release and fully hold harmless and shall defend the Diocese of London, its Bishop, parishes, officers, directors, priests, deacons, volunteers, employees and agents, including chaperones or other representatives associated with the Event (the "Diocese of London"), from any and all claims, causes of action and liability of every kind and character, including in connection with any loss or damage to person, property, illness or injury, or cost of medical treatment, arising from or in connection with (directly or indirectly) the Participant participating in and/or attending the Event (collectively, "Claims") save and except for Claims arising from the gross negligence of the Diocese of London.
- I/we give my/our permission and consent that my/our child may use an online video platform to participate in the above-mentioned Event. I/we understand that my/our child will not be required to register to a video conferencing platform in order to participate, and I/we understand that these electronic sessions may be recorded for the safety of the participants, and/or livestreamed.
- I/we confirm that during all electronic sessions I/we, or a designated adult, are responsible for supervision of the Participant. For Participants under the age of 12, I/we, or a designated adult, will be present. All persons, participants and adult leaders, will be in high-traffic areas such as the living room, study or kitchen during video conferencing, and will not be in a private area such as a bedroom or bathroom.

2 of 3

**Authorization for Medical Treatment** (when applicable):

I/we hereby warrant that to the best of my/our knowledge and belief, the Participant is in good health, and I/we assume all responsibility for the health of the Participant.

I/we hereby grant my/our permission for the Diocese of London to make arrangements for medical attention for the Participant without my/our prior approval if emergency treatment is reasonably required, and confirm that I/we will be notified as quickly as possible if this authority is exercised.

Participant OHIP Number:

Family Physician:

Phone:

**List all of the Participant's known dietary restrictions, allergies, special medical attention, recent medical procedures/surgeries or other relevant information:\***

\*The Diocese will take reasonable care in keeping the Participant's medical information confidential.

**Emergency Contacts** (if different from Parent/Guardian):

Name: Relation:

Phone:

Name: Relation:

Phone:

By signing, I consent to the provisions of the Electronic Commerce Act and I agree that an electronic copy of this document, including a pdf, fax, or other electronic attachment, and/or a copy with my signature and the witness signature or electronic signature(s), shall be equivalent to an original signed by myself under seal.

By signing this legal document, you are giving up certain legal rights, including the right to sue in certain circumstances. By signing, you confirm having read all items carefully.

Print Name: Relationship to Participant:

Signature: Date:

Print Name: Relationship to Participant:

Signature: Date:



1070 Waterloo Street  
London, Ontario N6A 3Y2  
519-433-0658 ext. 252  
Fax: 519-433-0011  
www.dol.ca

**Parent/Guardian Consent Form and Liability Waiver  
for Virtual Meetings**

Name of Event:

Event Date:

Host Parish and/or Family of Parishes:

Participant's Name:

Birth Date (MM/DD/YYYY):

Home Address:

City:

Province:

Postal Code:

Participant Cell Phone:

Gender:

☐ Male

☐ Female

Participant Email Address:

**Name of Parent/Guardian:**

Relationship to Participant:

Parent/Guardian Primary Phone:

Cell Phone

☐

Home Phone

☐

Parent/Guardian Email Address:

**Event Details:**

Large empty box for event details.

**Media Release:**

Photos and/or videos may be taken to be used on the Diocese of London websites or social media platforms, in printed materials, or submitted with press releases to local publications to illustrate our community for potential visitors. Reasonable efforts will be made by the Diocese of London not to identify participants by name. The Diocese of London is not responsible if participants disseminate names.

1 of 2

3 of 3

#### **Consent, Indemnification & Release of Liability:**

I/we, on behalf of myself/ourselves, the Participant, my/our and the Participant's heirs, executors, personal representatives, successors and assigns, hereby:

- Represent that I am/we are the parent(s), legal guardian(s) or other authorized person(s) or organization with authority over the Participant.
- Consent to the Participant participating in the Event, and/or possible use of photo and video.
- Confirm that I am/we are aware of the usual risks and dangers inherent in participation in the activities associated with the Event, as described in the Event Details (see page 1), and that serious injury is possible.
- Acknowledge and agree that I/we remain legally responsible for any personal action(s) taken by the Participant, and I/we fully indemnify and save harmless the Diocese of London, its Bishop, parishes, officers, directors, priests, deacons, volunteers, employees and agents, including chaperones or other representatives associated with the Event, from any claim for damages to person or property caused by the Participant.
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- I/we confirm that during all electronic sessions I/we, or a designated adult, will be present and ensure that all persons, participants and adult leaders, are in high-traffic areas such as the living room, study or kitchen during video conferencing, and will not be in a bedroom, bathroom or other private area.

**By signing, I consent to the provisions of the Electronic Commerce Act and I agree that an electronic copy of this document, including a pdf, fax, or other electronic attachment, and/or a copy with my signature and the witness signature or electronic signature(s), shall be equivalent to an original signed by myself under seal.**

**By signing this legal document, you are giving up certain legal rights, including the right to sue in certain circumstances. By signing, you confirm having read all items carefully.**

Print Name: Relationship to Participant:

Signature: Date:

Print Name: Relationship to Participant:

Signature: Date:

## Resources

### Publications

Canadian Conference of Catholic Bishops (2018), *Protecting Minors from Sexual Abuse; A Call to the Catholic Faithful in Canada for Healing, Reconciliation, and Transformation*

Diocese of London (3rd edition, 2016), *A Safe Environment Policy for the Diocese of London*.

Diocese of St. Catharines, *Responding to Allegations of Misconduct and/or the Abuse of Children or Vulnerable Adults* (2017)

Catholic Diocese of Ballarat, *Code of Conduct for caring for children. Protecting minors from sexual abuse*.

Catholic Diocese of Ballarat, *Ensuring the Safety and Wellbeing of children, young people, and vulnerable adults in our care*

Evangelical Lutheran Church in America, *Healing in Congregations After Clergy Sexual Abuse. A Resource to Assist Synodical Leaders and Local Congregations* (1997)

### Legislation

Province of Ontario *Child, Youth, and Family Services Act* (2017)

## Notes