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Review of Safety and Supports at Hidden Valley Elementary School

September 2021

1.0 AUTHORITY

The Yukon Child and Youth Advocate (“the Advocate”) operates under the authority of the *Child and Youth Advocate Act* (“the Act”).

These Terms of Reference will guide the Advocate’s review of the safety and supports at Hidden Valley Elementary School (the “School”) pursuant to s. 12 of the Act.

s. 12(1) If, in the course of performing the individual advocacy function on behalf of a child or youth under section 11 [primary role], the Advocate becomes aware of a policy or systemic issue in respect of the designated service that raises a substantial question of public interest, the Advocate may review and provide advice in respect of the issue to the public body, First Nation service authority or school board that is providing the designated service.

The Advocate’s accountability is to the children and youth of the Yukon and to ensure their views, rights and interests are upheld as articulated in the *United Nations Convention on the Rights of the Child*. Children have a right to an education that helps them meet their full potential (Article 28, 29) and to receive special supports when required (Article 23). They have a right to be safe from abuse (Article 19, 34) and to have support in recovery after harm has happened (Article 39). They have a right to information and guidance (Article 17, 18) while protecting their privacy (Article 16). Children’s best interests and views must be paramount in decisions and actions made about them (Article 3, 12).

2.0: ISSUE

The Advocate is conducting a policy review of safety and supports at the School. The issue gained public interest after an educational assistant, who had been employed with the School, was sentenced for sexually abusing a child at the School. While performing individual advocacy functions on behalf of children and youth under section 11 of the Act, the Advocate determined a policy response is warranted.

A policy review is intended to effect change and ensure public accountability on the part of programs and services for children and youth by identifying and addressing the underlying causes of policy and systemic issues.

The Advocate will review the Department of Education (EDU)’s and the Department of Health and Social Services (HSS)’s policies and response to the abuse allegations and provide advice to advance the interests and wellbeing of students.

3.0 DESIGNATED SERVICE

A designated service is defined in the Act as programs or services for children or youth provided directly by a public body, including schools under the jurisdiction of the Minister of Education. EDU is the primary designated service provider as the School is under the jurisdiction of the Minister of Education. In

addition, HSS provides designated services connected to reports of child abuse, prevention, parental guidance, and mental health supports, that are relevant to the safety and supports provided at the School.

4.0 OBJECTIVES

The objective of this policy review is to review the policies, protocols and actions of EDU in response to allegations of sexualized abuse and determine whether the actions taken in this particular case follow those protocols. The Advocate will then provide advice to EDU and HSS on how to promote safety in schools, in particular for students with special needs, and ensure appropriate processes are in place to prevent abuse and respond appropriately when abuse occurs.

5.0 SCOPE/LIMITATIONS

The review will focus on EDU's and HSS's response to allegations of sexual abuse at the School from 2014 to 2021.

Pursuant to s. 23(1) of the Act, the Advocate has the right to any information that is in the custody or control of the public body providing the designated service that is necessary to enable the Advocate to exercise powers or perform functions and duties under the Act. Further, s. 23(2) of the Act requires the public body to disclose the information to which the Advocate is entitled and respond to any reasonable questions regarding the clarification or explanation of the information provided. This may include information about persons other than the children or youth who are the focus of the review.

The Advocate has the responsibility to protect personal information collected. The review will not include records related to civil proceedings. Further, there are protections built into the Act, particularly within ss. 18 and 23 of the Act, to ensure that the Advocate's review does not interfere with civil proceedings. The Advocate may not act as legal counsel for a child or youth and the Advocate may not be compelled to give evidence in a court or in proceedings of a judicial nature in respect of anything coming to their knowledge in the exercise of the functions and duties under the Act, except to enforce compliance with this Act, or with respect to a trial of a person for perjury.

6.0 METHODOLOGY

The Advocate will review:

- Steps taken by EDU and HSS to address the Advocate's recommendations for immediate response.
- Individual advocacy data gathered by the Advocate pursuant to s. 11 of the Act.
- School and EDU policies and protocols regarding incident reports and responses, and how these policies and protocols were implemented at the School.
- EDU and HSS policies and protocols for inter-agency collaboration and communication with families and how these policies and protocols were followed after allegations of sexualized abuse were raised at the School.
- School and EDU policies for recruitment, screening, supervision, orientation and training of Educational Assistants, and how these policies were followed at the School.
- Relevant EDU and HSS records related to allegations of sexual abuse at the School between 2014 and 2021.

- How mental health supports have been provided to students at the School by EDU and HSS.
- Guidance and direction provided to the School by EDU, HSS, RCMP, and other public bodies.
- EDU's and HSS's communications to families with regards to the allegations of abuse at the School.
- Resources available to students, educators and families related to sexual health, sexualized assault, and parental guidance for speaking to children.
- Other relevant research and reports.

Stakeholders, such as families, school counsellors, educators, representatives and employees of EDU and HSS, Victim Services, RCMP, Yukon First Nations, Yukon Teachers' Association, and Yukon First Nation Education Directorate may contribute to the review.

The Advocate will provide EDU and HSS with a report including recommendations with respect to its findings. In accordance with s. 21 of the Act, the Advocate will request to be advised by EDU and HSS within a specified period of time of the steps that have been taken to implement the Advocate's recommendations, or if recommendations have not been implemented, the reasons for not doing so.

7.0 TIMEFRAME


The Advocate notified EDU that it had launched the review on July 29, 2021, and notified HSS of the review on August 6, 2021. Given the level of distress amongst families and educators at the time that the review was launched, the Advocate made recommendations to EDU and HSS for immediate response.

The remainder of the review will be conducted by the Advocate through the fall of 2021. The Advocate expects to provide its final report in early 2022.

8.0 REPORTING

The Advocate will provide advice to EDU and HSS throughout the review period and will provide a formal report to the Deputy Ministers of both departments upon completion of the review.

The Advocate has publicly announced the launch of the review and will release these Terms of Reference after providing them to EDU and HSS. The findings of the review will be released publicly with consideration for the protection of privacy of personal information.



Annette King
Yukon Child and Youth Advocate