

Good evening ladies and gentlemen, supporters and partners of Winning Kids.

Thank you so much for this opportunity to share a few words, including some professional and personal thoughts, as we celebrate the 5th Anniversary of Winning Kids Inc. and the valuable role that this organization has played in shining a light on the importance of abuse prevention, and in filling a real need by providing practical advice, training, resources and solutions to organizations that serve children, youth and vulnerable adults.

When I first began in the insurance industry in the early 1980's, the focus was on protecting against fires, floods, windstorms and other perils that result in loss or damage to property ... "bricks and mortar" ... and on protecting policyholders against liability suits that primarily involved slip and fall claims ... "broken bones". Little did any of us know at that time of the cataclysmic changes that would take place in the next decade in our society, our civil courts and in the insurance world as the result of the institutional abuse claims; changes that would soon begin to make news, including almost daily reports of new cases of widespread systemic abuse that would rock religious institutions and community service organizations to their core; changes in our perception of entities that had previously been viewed as only a good force within our communities and society, but who were soon to be seen as often harbouring pedophiles, looking the other way in cases of reported abuse and sweeping such matters under the carpet, either because they did not believe victims or because they put their reputations above the safety of the vulnerable persons in their care. The focus in our business had shifted emphasis from the cost of repairing bricks and mortar and fixing broken bones, to the question of how to deal with the legal responsibility for broken lives caused by abuse and broken reputations resulting from false allegations.

Within legal circles in Canada and the United States, we witnessed the first cases of civil court cases holding not-for-profits, charities, and their directors and officers, vicariously liable for the actions of their employees and volunteers, something that was unheard of prior to the 1990's. In the insurance industry where as underwriters we had never even imagined the possibility of policyholder organizations being held responsible for the criminal acts of their workers, we witnessed underwriters responding to these early cases and court precedents by introducing abuse exclusions into their liability policies, first individually on a company by company basis, and eventually as an entire industry with the introduction of a common exclusion in almost all liability policies. In the aftermath of the precedent-setting *Bazley v. Curry and Jacobi v. Griffith* cases that were heard on appeal by the Supreme Court of Canada in 1999 and the resulting onus it placed on organizations serving children and youth, there was the distinct possibility that the availability of coverage in the insurance marketplace from the handful of insurers still prepared to take the risk of covering civil liability for institutional abuse, might dry up completely, with underwriters not knowing whether the worst abuse claims were over, or if it was just the tip of the iceberg!

Churches and other faith-based organizations had believed that they were immune to these types of claims, wrongly assumed that there must be some special exemption for them as charities doing good work and often objected to managing the risk through a formal abuse prevention plan and screening, arguing that it was too legalistic, showed a lack of faith and was disrespectful of their leaders and volunteers. Likewise many community service organizations and sports associations did not want to rock the boat with their pool of volunteers, an obstacle that might threaten the continued existence of their programs. However the precedent-setting Supreme Court decision had clearly laid out the framework for determining the standards of vicarious and absolute liability in future abuse claims against organizations in Canada. It was now clear that society's standards had changed and that growing public opinion, outrage and a demand for justice for the most vulnerable were now reflected in the judgment of the highest court in the land. The Supreme Court justices held that there was no exemption for organizations that engaged in not-for-profit or charitable work and the majority opinion commentary stated emphatically that it would be better that an organization not conduct a program for children or other vulnerable persons at all, if it was not to be done so in safety and with due diligence demonstrated by its leaders in fulfilling their fiduciary duties for those in their care.

As insurance providers to over 1,500 churches and charities at that time we were committed to keeping a source of liability protection for the benefit of our clients and those they served. However there were two interrelated problems. The first was the need to demonstrate effective risk management to the insurance underwriters prepared to even consider the risk. The second was the need for effective resources to assist those organizations in managing their risk. Many of the early prevention plans utilized by charities and non-profits were primitive, ineffective, incomplete and often borrowed from the for-profit world, many being some variation of an outdated or irrelevant employment handbook. In 1993, less than 5% of our client organizations had any formal written prevention plan in place for their children's programs, ministries and operations!

Following the Bazley v. Curry case and other related civil court abuse verdicts, we looked to partner with organizations that had already implemented effective prevention plans and came to the conclusion that many of those that were ahead of the curve were using the first version of a prevention plan known as "*Plan To Protect*", which originated from the Christian & Missionary Alliance Church national denominational office and was authored by three dedicated volunteers themselves, Carol Wiebe, Jane Cates and Melodie Bissell. I first met Melodie via telephone in her role at Child Evangelism Fellowship Ontario, a client organization of Robertson Hall, shortly after establishing our 7-Point Checklist of required policies and procedures with input from legal and insurance experts. We had some lively discussions about our new underwriting requirements in the changing legal and insurance environment and how it might affect their particular operations and staff. It was a time when all of us ... insurers, lawyers, executive directors, ministers, board members and other leaders ... were catching up with the new reality and trying to navigate uncharted waters with the goal of keeping the risk of abuse liability manageable and insurable, knowing the consequences that no insurance protection would have for organizations in being able to attract and keep board members and volunteers, individuals who could face personal liability and the loss of their homes and other personal assets in uninsured lawsuits.

When Melodie first announced her vision to take Plan to Protect[®] to the next level by distributing it under license to many different denominations, faith groups, associations and secular organizations across Canada with the support of a Winning Kids Inc. organization and staff, we were thrilled! In fact, I remember I may even have told her that she would be our new best friend!

Over the past 5 years, Melodie and her staff have been a great partner and a tremendous resource and encouragement for our client organizations and their leaders.

Winning Kids Inc. has shared our challenges in changing minds and attitudes! They have shared the challenge of educating leaders and volunteers regarding the critical importance of effective prevention and screening, of getting the message across that abuse "could happen in their organization" and that it was the very belief that "it could never happen here" that made it such a distinct possibility for organizations so desperately in need of volunteers to run programs, of realizing that through a lack of screening and procedures that they were unintentionally but effectively giving green lights all the way to potentially placing the wrong person in a position of trust with the most vulnerable, someone who looked normal and seemed really great, but who could be a pedophile simply looking for access to children in the softest target in their community, or a sexual or violent offender who had already demonstrated through past actions that they could be a danger to vulnerable persons or staff. The horror stories have continued (both old and new) and the statistic that most troubles me is that as specialists in insuring charities, we have now been privy to over 55 cases of individual or multiple abuse within the circle of the organizations we serve as insurance providers. And in broader society, we continue to see stories unfolding which were previously not thought possible; the Graham James case involving a coach and victims at the highest levels of our national sport here in Canada; and the Penn State football program in the U.S., an institution that under Coach Joe Paterno

was once thought above reproach in its standards integrity, but which not only harboured a pedophile, but also was guilty of turning a blind eye to protect its reputation.

For us as insurance providers it has been a “carrot and stick” approach in working with our client organizations over the past two decades. The “carrot” is stated clearly and eloquently in *Plan To Protect*[®], the purpose of effective abuse protection is two-fold; to protect children and vulnerable adults from harm; and to protect workers from false allegations. The “stick” is that legal realities now dictate insurance companies will simply not insure the risk of abuse for a church, charity or service organization, unless their leaders are demonstrating due diligence through effective protection measure for the benefit of those in their programs and ministries.

Well, we’ve come a long way in the past two decades and our partnership with Winning Kids Inc. has been a tale not just of challenges, but of real successes. Today almost 80% of the over 6,000 churches and charities that we now insure have a formal, approved, abuse prevention plan in place. Almost gone are the days of people berating our staff over the telephone and accusing insurers willing to underwrite the risk of making their programs inconvenient, or that by daring to question that of the hundreds of volunteers that serve their organization, it might be possible that one could be an abuser, a pedophile or someone with a conviction, a conviction that if known to a parent, they would never have entrusted their child to the organization’s program or care. More often now, risk management requirements are met with, if not enthusiasm, at least with understanding and appreciation. The golden rule of abuse prevention has gradually caused charity and non-profit leaders to understand and accept their own responsibilities in setting standards as high as they would expect of other organizations in their community, if they were placing their own children or grandchildren into those organization’s programs, whether they be schools, day cares, churches, sports associations or community groups.

And Winning Kids Inc. has been a big factor in that change of attitude. In fact in survey of our client organizations qualifying for abuse liability coverage, over 70% use *Plan to Protect*[®] as their formal prevention plan. Melodie and the staff at Winning Kids Inc. have been responsive, proactive, practical and professional in delivering a product and service that has continued to evolve over the past five years to meet the needs of volunteer organizations that often lack resources and tools, including the following innovations:

- Expanded and updated versions of *Plan To Protect*[®], including the current 3rd Edition, which contains helpful illustrations and sample forms
- A version of *Plan To Protect*[®] specifically for children and youth-serving organizations, including sports teams, day cares, camps and clubs
- On-line training for organizations and their staff and volunteers
- Discounted rates for third party screening services based on the group purchasing power of Winning Kids Inc. members
- Handy pocket guides for workers summarizing the most important aspects of their reporting and prevention responsibilities
- A “Train the Trainer” program to spread the program on a larger scale through certified trainers across the country
- Customized programs for implementing, maintaining and auditing abuse prevention plans
- Advice on a variety of changing and diverse challenges, such as social media communication and lockdown emergency procedures
- And many more tools, resources and advice than I have time to mention this evening.

Continuing changes and obstacles created by the recent RCMP directives on protocols for obtaining criminal record checks, the increased requirement for fingerprinting and the restriction on third party service providers to do vulnerable sector screening has been our latest mutual challenge and one we’ve worked

through with input from Winning Kids Inc. We truly appreciate working closely together with Winning Kids Inc. as a partner in finding the right solutions for these ongoing challenges, solutions that balance the legal, insurance and practical realities of organizations that serve vulnerable persons, and greatly assist the leaders who serve those organizations. And it has been a blessing to be able to refer our client organizations with confidence to Winning Kids Inc. and *Plan to Protect*[®] as an effective solution for their abuse prevention needs.

A favourite saying of one of our key Robertson Hall underwriting staff with respect to the role we all play in abuse prevention is ... "The Story is NO STORY".

Yes, we can all be sure that the efforts we've made have often resulted in NO STORY; NO STORY filling the newspapers or internet about abuse having taken place at this organization or that one; NO STORY about innocent children or teenagers who have been victimized, their families suffering and lives irreparably damaged; NO STORY of board members and organizations being at the receiving end of a multi-million dollar lawsuit for a lack of due diligence on their part in protecting the minors and vulnerable adults in their programs; NO STORY of otherwise worthwhile churches, charities and service organizations losing their hard-won reputation, good will and support in their communities that could reduce their financial support, affect their ability to deliver much needed services to their communities or even shut down their programs.

In fact we may never know the difference we've all made as partners in this process ... the children who have been spared the loss of their innocence and perhaps a lifetime of turmoil and lost trust ... the well-meaning, sacrificing staff and volunteers who have not been placed in the predicament of having to defend their reputation against false allegations and criminal charges due to a lack of sound policies, procedures and protocol on the part of the organizations they serve.

But I do know how thankful I am for Melodie's vision for Winning Kids Inc. and for *Plan to Protect*[®]; thankful that vision has been realized in such a meaningful way. Thank you Melodie and thanks to each and every one of your staff members and supporters for your vision, effort, commitment and dedication over the past five years. It is a privilege to work with you! Please accept our congratulations, best wishes and prayers for blessings upon your life and on your work for many, many more years of NO STORIES!

Kenneth A. Hall, President
Robertson Hall Insurance Inc.
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