



Yukon
Ombudsman

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NEWS RELEASE
FOR IMMEDIATE RELEASE
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Ombudsman to conduct investigation into complaint relating to abuse of student at Hidden Valley Elementary School

WHITEHORSE – The Yukon Ombudsman, Diane McLeod-McKay, will investigate a complaint received earlier this month from a parent of a child at Hidden Valley Elementary School.

The complaint alleges that the failure by officials and employees of the Department of Education to inform parents of children attending the school until 21 months after learning about the abuse of a student by an educational assistant (EA) at the school was unfair to students at the school and to their parents. The complainant notes that this failure meant that other alleged child victims who have since been identified did not receive the necessary parental and professional supports in a timely manner.

“A complaint of this seriousness requires me to carefully consider its merits,” said McLeod-McKay. “Given the fundamental need to protect the health and safety of our children in school, I am launching an Ombudsman investigation.”

The Department of Education and the complainant were sent notices of the investigation on October 21, 2021. The investigation will look at whether students of the school and their parents were treated unfairly by department or school officials as a result of not being informed until August 2021 about the abuse of a student by an EA working at the school, which the department allegedly learned about in or around November 2019. It will also look at whether the Department of Education had an obligation to inform the parents or if a law prohibited this communication, including the effect of a court-imposed publication ban.

In deciding to investigate the matter, the Ombudsman notes that the Yukon Child and Youth Advocate has decided to review the abuse incident at the school. The focus of that review appears to be on the responses by both the Departments of Education and Health and Social Services to the abuse allegations, so that the Advocate can provide advice on ensuring that appropriate processes are in place and are followed in all schools.

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The Ombudsman is also aware that the Yukon government has recently announced that it has retained an outside lawyer, Amanda Rogers, to review the government's handling of the abuse incident. Her terms of reference identify that she will look at internal and inter-departmental processes around operations, including police interaction, as well as the reporting and communication of serious incidents in Yukon schools.

"It may be that my investigation could overlap with other aspects of the Advocate and the government reviews but I'm confident that my focus, together with my investigative independence and the power to compel the production of evidence, will serve the public interest at stake," said McLeod-McKay.

The Ombudsman has a legislated duty, on a complaint, to investigate a complaint received. Under the *Ombudsman Act*, the Ombudsman has authority to look at any decision or recommendation made by an authority, including a recommendation made to a Minister, or any act done or omitted by an 'authority'. Either of the two events must relate to a matter of administration and affect a person or body of persons in their personal capacity. The authorities that fall under the *Ombudsman Act* are set out in its Schedule A and include their officers, employees, or members. The Department of Education is an authority and Hidden Valley Elementary School is an entity within the department.

On completion of the investigation, the Ombudsman will provide a report to the Department of Education, including any findings and recommendations. She will also inform the complainant about her findings and recommendations. In addition, since the matter is in the public interest, the Ombudsman will issue a special report to the Yukon Legislative Assembly.

The Ombudsman, Information and Privacy Commissioner, and Public Interest Disclosure Commissioner is an independent officer of the Yukon Legislative Assembly. For more information, please go to www.yukonombudsman.ca.

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