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NEWS RELEASE
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Ombudsman issues report into fairness complaint regarding sexualized abuse at Hidden Valley Elementary School

Report finds government actions and inactions were unfair to parents and students of the school

WHITEHORSE – The Office of the Yukon Ombudsman has issued the first of two reports into a complaint of unfairness against the Yukon Department of Education from a parent of a student at Hidden Valley Elementary School (HVES). The Ombudsman investigation found that the government’s failure to communicate with parents at the school was unfair, depriving parents of the opportunity to take timely action to help their children.

“Later this year, we will issue a second report into this complaint,” said Yukon Ombudsman Jason Pedlar. “This additional step is due to the multiple investigations into this matter. Because of the broad mandate of the Rogers Report commissioned by the Yukon government, there was overlap with issues that we investigate. Our next report will assess whether the *Safer Schools Action Plan*, the government’s response to the Rogers Report, adequately addresses issues of unfairness. This is an excellent opportunity to see past the Rogers Report and the actions taken. Any recommendations we may have will be included in our second report.”

The complaint of unfairness was made to the Ombudsman in October 2021 by a parent of a student at HVES. The parent felt it was unfair that it took 19 months for the department to inform them, and other parents, about allegations of sexualized abuse of a student by an educational assistant at the school.

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The department did not share information about the allegations until it was made public in July 2021 by a CBC News story about a related lawsuit. By that time, the matter had proceeded through the court system, resulting in a guilty plea to a criminal charge of sexual interference.

The Ombudsman investigation looked into three issues: 1) why the department took 19 months to inform school parents about the allegations; 2) why the department did an about face in August 2021 and began sharing information about the allegations; and 3) whether the department was legally obligated to share information about the allegations with the parents or whether it was legally prohibited from doing so.

“On the first issue, our investigation found that the delay in informing school parents was unfair in several ways,” said Pedlar. “The department did not follow any structured policy or process for communicating with parents, despite having such policies in place. We also found that those most directly affected by this matter, the parents and students, did not receive the responsive people-centred service that underpins fairness. As well, the decision not to communicate with parents did not focus on the needs of those it served, the children.”

On the second issue, the investigation found that the department only began sharing information about the allegations because of the CBC News story, when it found itself unexpectedly having to react. Without this media story, it is likely that the department would have maintained its silence, perpetuating the unfairness.

On the third issue, the investigation found that the department likely did meet its legal obligations regarding this matter under two laws, although it failed to follow department policies that should have guided decision-making about communication to parents. It also found that the Yukon’s privacy laws did not prevent the department from sharing information about the allegations. Rather, it obligated the department to do so.

The Ombudsman is an independent officer of the Yukon Legislative Assembly that looks into complaints from citizens of unfairness in the delivery of services by the Yukon government and other public authorities. The Ombudsman also serves as the Information and Privacy Commissioner (IPC) and Public Interest Disclosure Commissioner (PIDC) for the territory.

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