



ALGONQUIN AND LAKESHORE CATHOLIC DISTRICT SCHOOL BOARD

ADMINISTRATIVE PROCEDURES

CHILD IN NEED OF PROTECTION (Policy Statement: Child in Need of Protection)

Purpose

It is the expectation of the Algonquin and Lakeshore Catholic District School Board system that staff will act promptly for the protection of the children in the care of staff, by reporting to a Children's Aid Society/Family and Children's Services* whenever they encounter students who they suspect who may be a "Child in Need of Protection". This must be regarded as an emergency of the utmost priority and such concerns must be acted upon immediately. The following procedure is designed to ensure compliance with the *Child, Youth and Family Services Act* whenever it is suspected that a child is in need of protection.

*(In the following procedures, three jurisdictions are Children's Aid Societies: City of Kingston and County of Frontenac, Hastings, and Prince Edward. The area of Lennox and Addington is referred to as Family and Children's Services. All subsequent references in this procedure will say Children's Aid Society/Family and Children's Services.)

References

The Child, Youth, and Family Services Act (CYSFA), 2017, S.O. 2017, c. 14, Sched. 1
The Education Act and Regulations
Ontario College of Teachers Act
Ministry of Education Policy and Program Memorandum No. 9 (August 10, 2001)

Procedures

1.0 Definitions of Child in Need of Protection

- 1.1 "Child" is defined as any person under 18 years of age.
- 1.2 Part 5, Section 74 (2) A child is in need of protection where:
 - a) 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.
- b) 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 the 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.

(Family and Children's Services staff are available to assist with a better understanding of "adequate care", "supervision", and other related terms.)

- c) 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.
- d) There is a risk that the child is likely to be sexually abused or sexually exploited as described in c).
- e) 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* and the parent is a substitute decision-maker for the child, the parent refuses or is unavailable or unable to consent to the treatment on the child's behalf.
- f) 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.

- g) The child has suffered emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv) or (v) of paragraph f) and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
- h) There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv) or (v) of paragraph f) 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.

- i) (g.1) There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv) or (v) of paragraph f) and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
- j) 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, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
- k) 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.
- l) The child is less than 12 years old 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, or refuses or is unavailable or unable to consent to, those services or treatment.
- m) The child is less than 12 years old 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.
- n) The child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is 12 or older, with the child's consent, for the matter to be dealt with under this Part; or
- o) The child is 16 or 17 and a prescribed circumstance or condition exists.

2.0 Procedures

2.1 Legal Obligation to Report:

a) Duty to Report a Child in Need of Protection:

In Ontario under the Child and Family Services Act, every person, who has reasonable grounds to suspect a child may be in need of protection, is obliged to forthwith report the suspicion and the information upon which it is based to a Children's Aid Society/Family and Children's Services.

As of January 1, 2018, the age of protection includes all children under the age of 18 years. This provides a better opportunity for 16 and 17 year olds, who are in need of protection, to access the comprehensive support services they need and have improved outcomes as they transition to adulthood (MCYS, April 2018).

b) Person Must Report Directly:

A person who has a duty to report suspicions that a child may be need of protection shall make the report directly to the Children's Aid Society/Family and Children's Services and shall not rely on another person to report on his or her behalf, nor delegate the duty to another person.

The professional duty to report overrides any other provincial or federal statute, e.g. The Education Act, Youth Criminal Justice Act, Mental Health Act, and Criminal Code of Canada.

c) Ongoing Duty to Report:

A person who has additional reasonable grounds to suspect a child may be in need of protection shall make a further report even if he or she has made previous reports with respect to the same child.

d) Professionals Who Are Required to Report:

Both the public and professionals have an obligation to report suspicions that a child may be in need of protection but there is an added responsibility on professionals to report and a penalty for not reporting.

Professionals include all persons who perform professional or official duties with respect to children including:

- (i) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;
- (ii) a teacher, school principal, social worker, family counselor, priest, rabbi, member of the clergy, operator or employee of a day nursery, and youth and recreation worker;
- (iii) a peace officer and a coroner;
- (iv) a solicitor;
- (v) a service provider and an employee of a service provider.

e) Penalty for Failure to Report:

A professional who receives information or has a suspicion that a child may be in need of protection during the course of his or her professional or official duties and does not report it, if convicted of an offense, is liable to a fine of not more than \$1,000.

f) Protection for Persons Reporting:

Should civil action be brought against a person who has made a report, he or she will be protected unless he or she acted maliciously or without reasonable grounds for his or her belief or suspicion.

2.2 Reporting Procedures to be Followed in Disclosures or Suspicions of Child Abuse/Neglect:

a) Disclosures/Suspicions:

- (i) If you have reasonable grounds to suspect a child may be in need of protection as outlined in section 1 above, you must report your suspicions directly to a Children's Aid Society/Family and Children's Services.
- (ii) School personnel should not conduct an investigation regarding their suspicion or any disclosure from a child and should question the student only to verify the nature of the concern or disclosure.
- (iii) If unsure or in doubt about the suspicions, consult the Intake Worker of the local Children's Aid Society/Family and Children's Services.
- (iv) Do not promise the student that you will keep this information a secret.
- (v) Respect the student's right to privacy by not identifying him or her to other staff or students. Assure the child that you are obligated to tell only a few people – the Principal, the Police and/or the Children's Aid Society/Family and Children's Services.
- (vi) Upon disclosure to the Children's Aid Society/Family and Children's Services, the Intake Worker will ask the following questions:
 - Name, address and phone number of the student?
 - Name(s) of siblings and what school they attend?
 - Are you aware of any safety issues in the home (guns, dogs, etc.)?
 - Does the family have Indigenous status?
 - Are you aware of any health problems, learning difficulties or behaviour problems?
 - Are you aware of any domestic violence in the home?
 - Is there any other information that you think might help in interviewing the family?

THE RESPONSIBILITY TO REPORT SUSPICIONS THAT A CHILD MAY BE IN NEED OF PROTECTION LIES WITH THE PERSON WHO HAS THE SUSPICION OR RECEIVES THE DISCLOSURE.

b) Inform the Principal/Designate:

- (i) Report to the Principal any suspicions or disclosures.
- (ii) While the duty to report remains with the person who receives the disclosure, he/she may request the Principal's presence while making the report to the Children's Aid Society/Family and Children's Services. Consultation shall not unduly delay the report to the Children's Aid Society/Family and Children's Services.
- (iii) Once the staff member has formed the suspicion or heard a disclosure of child maltreatment, the Principal/designate shall not prevent a report to the Children's

Aid Society/Family and Children's Services being made nor will there be sanctions or reprisal as a result of such action taken.

- c) Inform the Children's Aid Society/Family and Children's Services:
- (i) All suspicions that a child may be in need of protection and disclosures that suggest a child may be in need of protection due to maltreatment must be reported immediately to the appropriate Children's Aid Society/Family and Children's Services.
 - (ii) The call is made to the Intake Worker of the local branch of the Children's Aid Society/Family and Children's Services (see Appendix 4).
 - (iii) Clarify with the Children's Aid Society/Family and Children's Services Worker as to whether or not there will be a same day response in the school and/or whether or not the student can be dismissed from school at the end of the day.
 - (iv) Investigation of Suspected Child Maltreatment:
 - i. After a report has been made to the Children's Aid Society/Family and Children's Services, the parent/guardians should not be notified until there has been consultation with the Children's Aid Society/Family and Children's Services.
 - ii. Usually, the Children's Aid Society/Family and Children's Services will only conduct an interview with a student at their school with the prior consent of at least one of the parents. However, the investigation team of the Children's Aid Society/Family and Children's Services may determine that it is in the child's best interest for the interview to take place without the prior consent of the parents. In these situations, the Principal will permit an interview to take place at the school without prior parental consent.

2.3 Records to be Maintained and Retained:

a) Documentation:

The person having the suspicion of child maltreatment or receiving the information or disclosure that a child may be in need of protection due to abuse or neglect, should keep documentation (see Appendix 1). The documentation should:

- (i) Be factual, including dates and time and contain no opinions;
- (ii) Be brief and to the point;
- (iii) Contain information seen or heard by the staff member, personal observations and contain questions asked of the child (Appendix 2);
- (iv) In circumstances where protection concerns about a child have been observed over a longer time period, the classroom teacher is encouraged to maintain brief factual notes that identify specific concerns (see Appendix 1).

It should be noted that such records and documentation are Algonquin and Lakeshore Catholic District School Board documents and, at a later date, may be subject to review by a court during a criminal or civil proceeding. All file notes should be kept by the

Principal who will seal the documentation.

- b) Algonquin and Lakeshore Catholic District School Board Record of Suspected Child Maltreatment:

All referrals to the Children's Aid Society by an Algonquin and Lakeshore Catholic District School Board employee must be reported immediately to the Director of Education using Form A. The staff member and the Principal will complete the form (Form A).

- c) Ontario School Record Folder (OSR):

Under no circumstances should any documentation be inserted in the OSR.

2.4 Support for the Student:

- a) The student may wish to have a support person with him or her during the interview.
- b) The Principal should ensure appropriate follow-up and support is offered to the child and family.

2.5 The Children's Aid Society/Family and Children's Services will endeavour to advise the referring schools with respect to: actions taken as part of the investigation process, current placement arrangements for the child(ren), any access restrictions that are in effect and any other information deemed necessary to support the child(ren) within the home and school settings. The school is encouraged to seek further information it requires from the Children's Aid Society/Family and Children's Services to assist in this process.

2.6 Reporting Procedures Where the Person Alleged to have Maltreated a Student is a Board Employee:

When a Board employee is alleged to have been the offender, the procedures set out in this policy/procedure apply but there are certain additional requirements (See Appendix 3 – CAS/FCS Report of Allegation Against Employee Checklist).

- a) In Ontario under the *Child, Youth and Family Services Act*, every person, who has reasonable grounds to suspect a child may be in need of protection, is obliged to forthwith report the suspicion and the information upon which it is based to a Children's Aid Society/Family and Children's Services.
- b) The person receiving the disclosure or having the suspicions will inform the Principal of any suspicions or disclosure. Where the allegation involves a Principal, the person should inform the Superintendent of Education.
- c) Additionally, the Principal will immediately inform the School Superintendent or Director's office to confirm that there are reasonable grounds to call CAS/FCS. If the School Superintendent is contacted, he/she will inform the Director of Education directly. Consultation shall not unduly delay the report to the Children's Aid Society/Family and Children's Services.

- d) Upon notice of an allegation against an employee of the Board, which the Director believes is serious, the Director/Designate shall remove the employee from direct unsupervised contact with students.
- e) The person receiving the disclosure or having the suspicions will report to the Children's Aid Society/Family and Children's Services.
- f) Once the report to the Children's Aid Society/Family and Children's Services has been made, no further investigation of the staff member will take place until specific instructions are received from the investigating Children's Aid Society/Family and Children's Services worker.
- g) Immediately following a report to the Children's Aid Society/Family and Children's Services, Principals are directed to complete the "CAS/FCS Report of Allegation Against an Employee" (Form B).
- h) After a report has been made to the Children's Aid Society/Family and Children's Services, the parent/guardians should not be notified until there has been consultation with the Children's Aid Society/Family and Children's Services.
- i) Once a disclosure has been made, the disclosing student will not be questioned by any other school staff, nor shall any other inquiries be made until directions are received from the investigating Children's Aid Society.
- j) After consultation with the Children's Aid Society/Family and Children's Services, and the School Superintendent, the Principal shall inform the employee that a report has been made and inform the employee of the right to contact his/her union or association for assistance and advice.
- k) The Principal, Supervisor or Superintendent shall not interview the employee prior to the investigation by the Children's Aid Society/Family and Children's Services staff. At the conclusion of the Children's Aid Society/Family and Children's Services investigation, the Children's Aid Society/Family and Children's Services will advise in writing, the Director of Education and the employee subject to complaint, of the outcome of the investigation.
- l) The School Superintendent will be the contact person for Children's Aid Society/Family and Children's Services staff.
- (m) After Children's Aid Society/Family and Children's Services has made a determination regarding an investigation of an employee, the Superintendent of School Effectiveness/Principal will meet with the employee and discuss the allegation. If disciplinary action will be taken, the employee is advised to bring a union representative. At the conclusion of the meeting, the Superintendent of School Effectiveness/Principal will complete Form C, "CAS/FCS Report of Allegation Against Employee" and, where further action is warranted, a letter outlining specifics of further action.

Appendices

Appendix 1: Guidelines for Documentation

Appendix 2: Types of Child Abuse, Neglect and Assault

Appendix 3: CAS/FCS Report of Allegation Against Employee Checklist

Appendix 4: Local Children's Aid Societies/Family and Children's Services

Forms

Form A: Confirmation of Report Form – Child In Need Of Protection

Form B: CAS/FCS Report of Allegation Against an Employee (Board Office Copy)

Form C: CAS/FCS Report of Allegation Against Employee (Office Copy)

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