

## GAP GENERAL ADMINISTRATIVE PROCEDURES

<b>SECTION:</b>	<b>100 PUPILS</b>
<b>GAP NUMBER:</b>	<b>108.00</b>
<b>SUBJECT:</b>	<b>CHILD IN NEED OF PROTECTION: REPORTING PROCEDURE</b>
<b>REFERENCE:</b>	Policy <a href="#">4.14</a> : Freedom of Information and Protection of Privacy Policy <a href="#">08.72</a> : First Nation, Métis and Inuit Students, Self-Identification Policy <a href="#">34.00</a> : Indigenous Education Policy <a href="#">39.00</a> : Keeping Children Safe: Duty to Report GAP <a href="#">131.00</a> : Indigenous Education GAP <a href="#">115.00</a> : Anti-Human Trafficking Protocol
<b>EFFECTIVE:</b>	September 01, 1991
<b>REVISED/AMENDED</b>	June 09, 2000; December 2012; June 2014; January 2021; October 2022

*“All your children shall be taught by the Lord, and great shall be the peace of your children.”*

Isaiah 54:13

All employees, coaches and trainers, and volunteers, of the Dufferin-Peel Catholic District School Board (DPCDSB) shall comply with Ontario’s *Child, Youth and Family Services Act, 2017* ([CYFSA](#)) as amended and follow the procedures outlined herein.

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#### 1.0 DEFINITIONS

##### 1.1 CHILD IN NEED OF PROTECTION

The CYFSA expanded the definition of the conditions which place a child in "need of protection" in 2021. These conditions include:

- risk of or actual infliction of physical, sexual and/or emotional harm
- evidence of neglect or a failure on the part of a parent/guardian or caretaker to access required medical treatment or mental health intervention or to adequately supervise a child
- risk of being sexually exploited and/or subjected to sex trafficking
- a child less than 12 years old who has caused property damage or injury on more than one

occurrence.

A full definition of a child in need of protection (CYFSA) is contained in [Appendix I](#).

## 1.2 DUTY TO REPORT

Section 125 (1) of the [Child, Youth and Family Services Act \(2017\)](#) (amended, 2021) provides direction for reporting a child in need of protection to a Children's Aid Society.<sup>1</sup> This includes a child that is or may be suffering from abuse or neglect by a caregiver, or by a person having charge of the child. Every person who has reasonable grounds to suspect that a child is "in need of protection" shall immediately report the suspicion and the information upon which it is based to a Children's Aid Society. This duty to report **applies to all employees**, coaches and trainers, volunteers, and parents/guardians of the Board:

- A person must report any additional disclosures, concerns, or suspicions of a child in need of protection even if that person has reported previous information about the same child and family. (CYFSA s.125(2))
- The duty to report cannot be delegated. The person holding the suspicion of a child in need of protection is personally obligated to report. (CYFSA s.125(3))
- For students residing in Peel, staff report to [Peel Children's Aid Society](#).
- For students in Dufferin County, reports will be made to the [Dufferin Child and Family Services](#). For addresses and phone numbers of these agencies, please see [Appendix II](#).

## 1.3 REASONABLE GROUNDS

The [Ontario Association of Children's Aid Societies](#) defines reasonable grounds as information that an average person, using normal and honest judgment, would need in order to decide to report.

## 2.0 AGE OF STUDENT

2.1 On January 1, 2018, Ontario raised the age of protection from until 16 years to until 18 years of age, while making it optional to report reasonable grounds to suspect that a child aged 16 or 17 is need of protection (CYFSA s.125(4)).

2.2 While it is optional to report to a Children's Aid Society (CAS) that a person aged 16 or 17 is in need of protection, the required procedure in DPCDSB is for staff to report to CAS when there are reasonable grounds to suspect that a person under the age of 18 is in need of protection.

2.3 For DPCDSB students aged 16 or 17, consider involving the student when making the report to a CAS, where possible.

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<sup>1</sup> In all cases in this procedure, the words Children's Aid Society applies to any local Children's Aid Society located in the Province of Ontario.

### 3.0 DUTY TO REPORT HUMAN/SEX TRAFFICKING

- 3.1 On October 1, 2021, legislation came into effect to assist the child welfare sector in responding to children and/youth who may be involved in human/child sex trafficking. [Bill 251](#) has amended the CYFSA to allow child protection workers to intervene in human/child sex trafficking cases by removing a child for up to 12 hours where they have reasonable and probable grounds to believe that the child aged 16 or 17 is in need of protection due to sex trafficking.
- 3.2 In cases of human/child sex trafficking disclosures or concerns regarding a student under the age of 18, DPCDSB staff, coaches, trainers, and volunteers are required to report to the CAS, even without the consent of the student. Refer to GAP [115.00](#): Anti-Human Trafficking Protocol.

### 4.0 CONSIDERATIONS FOR EQUITABLE AND CULTURALLY SUPPORTIVE RESPONSES

- 4.1 DPCDSB recognizes the importance of consultation and outreach with Indigenous rightsholders, in the work to protect children. As members of distinct, Self-Determining Nations ([Policy 34.00](#)), Indigenous Peoples have the right to determine best approaches to the care and response to incidents of children in need of protection. Reference: [United Nations Declaration on the Rights of Indigenous Peoples](#)
- 4.2 Students and families who voluntarily self-identify as First Nation, Métis and/or Inuit have the right to receive and benefit from culturally supportive programming ([Policy 08.72](#)). Therefore, when fulfilling a Duty to Report, staff will consult with school administration, School Support Services Personnel such as the school Social Worker and the Indigenous Education Department. The administration will inform the Superintendent of Schools who will consult with the System Superintendent responsible for Indigenous Education to ensure a culturally supportive response for rights bearing groups.
- 4.3 When fulfilling a Duty to Report for students and families who voluntarily self-identify as First Nation, Métis and/or Inuit, best practice would be for the person making the report to ask the student/family, as appropriate, for permission to disclose their identity as First Nation, Métis and/or Inuit, in order for the CAS to explore culturally supportive responses.
- 4.4 Equitable and culturally supportive responses are required by students who experience marginalization, systemic oppression, colonization, and other vulnerabilities, including Indigenous<sup>[1]</sup>, Black and Racialized students, students with differing abilities, students who identify as being 2SLGBTQ+ and newcomer students.

### 5.0 PROCEDURES TO BE FOLLOWED

- 5.1 A child or youth in need of protection shall be given the highest priority. Actions shall be taken immediately on any suspicion that a child or youth is in need of protection. One does not need to have proof that a protection concern exists. A report is necessary whenever there are reasonable grounds to suspect that one (or more) of the conditions for reporting exists.
- 5.2 The responsibility for reporting a child or youth in need of protection is the responsibility of the person who holds the suspicion or concern.
- 5.3 Step 1: Inform the Principal. All school personnel, including educators, support services personnel, coaches/trainers, practicum students, other staff, as well as parents/guardians and community volunteers who have reasonable grounds to suspect a child or youth is in need of protection, shall immediately inform the principal/designate. The principal/designate will ensure that the individual

with reasonable grounds to suspect that a child is in need of protection has the opportunity to report to the appropriate CAS without delay. This step shall not delay the statutory responsibility on the person having reasonable grounds to suspect that a child is in need of protection to immediately report to the CAS.

5.4 Step 2: Contact CAS. Telephone contact with CAS should occur as soon as there is suspicion of a child or youth in need of protection. This allows the CAS sufficient time to intervene. The person reporting to CAS is required to follow the procedure below when making the report.

- This telephone contact requires access to a private space to ensure confidentiality
- Have access to the student's identifying information (e.g., Student Index Card) prior to making the call
- Provide only factual information regarding the suspicion or concern and refrain from opinions or bias. Provide times and dates if applicable. Share first hand observations, what was seen and heard directly by the reporting person.
- Review the considerations for equitable and culturally supportive responses in section 4 of this GAP
- Be prepared to give identifying information (i.e., the name and position of the person who is reporting, telephone contact information of the school or DPCDSB site, name of student, date of birth, address, etc.). Note that CAS cannot guarantee that they will keep the reporter's information confidential.

Contact information for the Children's Aid Societies is in Appendix II.

5.5 Step 3: Complete the Child in Need of Protection Report. DPCDSB staff who report to CAS will complete the Child in Need of Protection Form [GF 031-E](#).

In completing the form, staff must:

- Ensure that the contact information of the CAS screener is recorded on GF 031, and also note any recommendations from CAS.
- Forward the form to the school principal or their designate for signature and processing. The administrator will forward the original copy to the Chief Social Worker.
- In the event that a member of Support Services Personnel is reporting to CAS on a student that they are actively supporting, they will keep a copy of the form in the student's clinical file.
- Complete the Child in Need of Protection Report (GF 031 E) even if the CAS screener indicates that a report is not required because it does not constitute a protection concern. Staff will document this on the Child in Need of Protection Report (GF 031 E). Once signed by the school administrator or designate, the original copy will be forwarded to the Chief Social Worker. Staff must ensure the administrator is aware of the call to CAS and their recommendation.
- Under no circumstances should the Child in Need of Protection Form GF-031E be inserted in the Ontario Student Record (OSR)

5.6 Physical inspection or interrogation of a child or youth is the responsibility of the CAS. It is not the responsibility of the staff member or Principal to conduct an investigation or to prove that the child is in need of protection. The CAS has the legal mandate to conduct a complete investigation and to take appropriate action to ensure the safety of the child.

5.7 When unsure regarding a child in need of protection due to neglect, physical, sexual, or emotional harm, consult with the school principal/designate, supervisor, or school social worker. This could include consultation about a child's suicide. Consultation does not take away an individual's obligation to ensure that a report is made without delay. If unsure about a child in need or protection, consult with CAS for further direction. At the screener's discretion, CAS

may request the reporter's identifying information and a formal report.

5.8 When there is a disclosure that involves "peer-to-peer" sexual assault/misconduct (i.e., not by a caregiver), and there is a differential in power in the relationship between the peers, the sexual assault must be reported to the CAS. For example:

- If there is an age gap between peers (i.e., 7-year-old student reports to have been assaulted by a 12-year-old student)
- If there is a gap in capacity (i.e., 12-year-old child who is neurodivergent reported that they were sexually assaulted by another 12-year-old child who is neurotypical)
- If the disclosure involves sexual assault between siblings
- If the disclosure involves sexual assault of students under the age of 12
- If the sexual action is beyond their understanding or development (i.e., a child directing a child to watch pornographic content)

All cases of peer-to-peer assault must be brought to the attention of the administrator, as per the *Education Act*. Administrators can refer to [GAP 529.00](#) for information about reporting assaults to police.

5.9 Refer to [Frequently Asked Questions](#) When Making a Report to CAS for additional information.

## 6.0 INVESTIGATION BY A CHILDREN'S AID SOCIETY

6.1 In response to a report, at the discretion of the CAS, an investigation will be conducted by a CAS worker and/or a police officer. The investigation will happen at school and/or in the community. Administrators can refer to [GAP 529.00](#) for the police protocol.

6.2 The principal will allow the investigator to interview the child at school without parent/guardian consent ONLY after the investigator signs the Child in Need of Protection Investigator's Statement form, [GF 030](#). This document states that the investigator is:

- i) Investigating a reported case of a child in need of protection
- ii) Of the opinion that such an interview would be in the best interest of the child
- iii) Undertaking to inform the parent/guardian of the interview as soon as reasonably possible

6.3 The investigator may exercise the statutory powers under the CYFSA to remove the child from the school, in cases considered sufficiently urgent to justify such action.

- **It is the responsibility of the CAS to notify the parent/guardians** of the child where protection concerns are suspected. The timing of such notification shall be at the discretion of the CAS, but should occur, if at all possible, prior to the child leaving the school. If the Principal wishes to notify the parent/guardian, they shall first consult with the CAS Investigator.

6.4 Where the child is removed from the school by the CAS in accordance with the statutory powers under the CYFSA, the principal must:

- i. Request appropriate identification from the CAS or the police
- ii. Request that the CAS or police complete the Notice to Principal Concerning the Removal of a Student Under the Provisions of the Child, Youth and Family Services Act Form [GF 029](#)
- iii. Under no circumstances should the Child in Need of Protection Investigator's Statement [GF 030](#) or the Notice to Principal Concerning the Removal of a Student Under the Provisions of the Child, Youth and Family Services Act Form [GF 029](#) be inserted in the OSR

6.5 When a child is suspected to be in need of protection and the child has differing abilities (i.e., Autism Spectrum Disorder, developmental delay, deaf), it is the responsibility of the CAS/Police to obtain assistance from specialized community staff prior to and/or during the interview with the student at the school. The principal/designate shall ensure that appropriate information concerning the student's differing communication needs are shared with this community staff or other appropriate support services. Refer to [GAP 529.00](#) for the police protocol.

6.6 Principals shall consult with the Family of Schools Superintendent or the Chief Social Worker as appropriate.

## **7.0 STAFF TRAINING**

7.1 School principals and other system leaders will ensure that:

- i. Each September, at a staff meeting, all school personnel including parent/guardian and community volunteers are made aware of and understand the relevant sections of the CYFSA and particularly the requirements to report suspected cases of a child in need of protection.
- ii. Principals are encouraged to involve school social workers and other support services personnel when in-servicing school personnel at staff meetings. A [Duty to Report Module](#) is available in the Support Services SharePoint Site.

7.2 Family of Schools' Superintendents will ensure that:

- i. School administrators receive a yearly in-service with regard to the CYFSA legislation and this General Administrative Procedure.

7.3 The Superintendent of Special Education and Learning Services will ensure that:

- i. In consultation with the Chief of Social Work, a letter to every parent and guardian is issued through the school at the beginning of each school year regarding Duty to Report.

**APPENDIX I****DEFINITION OF A "CHILD IN NEED OF PROTECTION"**

The specific wording of the *Ontario Child, Youth and Family Services Act, 2017*, as amended (CYFSA) concerning a child in need of protection (74 (2)) is as follows:

**Child in need of protection**

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 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;
- (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 clause (c);
  - (d.1) the child has been sexually exploited as a result of being subjected to child sex trafficking;
  - (d.2) there is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking;
- (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 subclause (f) (i), (ii), (iii), (iv) or (v) and the child's

parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to the 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 subclause (f) (i), (ii), (iii), (iv) or (v) 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) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and that the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment to prevent 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 treatment or access to treatment, or where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to the treatment to remedy or alleviate the condition;
- (k) the child's parent has died or is unavailable to exercise the rights of custody 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 younger than 12 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 services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment;
- (m) the child is younger than 12 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. 2017, c. 14, Sched. 1, s. 74 (2); 2020, c. 25, Sched. 1, s. 26 (1); 2021, c. 21, Sched. 3, s. 1 (2).

### **Child sex trafficking**

74. (1.1) A child is subjected to child sex trafficking for the purposes of this Part where another person does any of the following for the purposes of sexually exploiting the child:

1. Recruits, transports, transfers, receives, holds, conceals or harbours the child.
2. Exercises control, direction or influence over the movements of the child. 2021, c. 21, Sched. 3, s. 1 (1).



## APPENDIX II

### HOW TO CONTACT YOUR LOCAL CHILDREN'S AID SOCIETY

**A) Peel Children's Aid Society**

<https://www.peelcas.org/>

25 Capston Drive  
Mississauga, ON,  
L5W 0H3

Phone: 905 – 363 – 6131  
Toll Free: 888 – 700 – 0996  
(24 hours a day, 7 days a week)

Fax: 905 – 363 – 6133

**B) Dufferin Child and Family Services**

<http://dcafs.on.ca/>

655 Riddell Road  
Orangeville, ON L9W 4Z5

Phone: 1 – 519 – 941 – 1530  
Fax: 1 – 519 – 941 – 1525