

GAP

GENERAL ADMINISTRATIVE PROCEDURES

SECTION:	100 PUPILS
GAP NUMBER:	108.00
SUBJECT:	CHILD IN NEED OF PROTECTION: Reporting Procedure
REFERENCE:	Policy 6.53, Child In Need of Protection, Duty to Report
EFFECTIVE:	September 01, 1991
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Teachers and other personnel in the employ of the Dufferin-Peel Catholic District School Board shall comply with the *Child and Family Services Act* (as amended, 1999) and follow the procedures outlined herein.

PROCEDURES AND DEFINITIONS

A. DUTY TO REPORT

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. 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. The duty to report cannot be delegated. The person holding the suspicion of a child in need of protection is personally obligated to report. These obligations are legislated in Section 72 (1), (2) and (3) of the *Ontario Child and Family Services Act* (CFSA amended, 1999). A full definition of the duty to report is contained in Appendix I, page 6. A flow chart illustrating sample reporting procedures is included in Appendix V, page 12.

In all cases in this procedure, the words Children's Aid Society applies to the Dufferin Child and Family Services as well as to the Children's Aid Society of the Region of Peel. For addresses and phone numbers of these agencies, please see Appendix III, page 10.

B. AGE OF STUDENT

There is an obligation to report where there are reasonable grounds to suspect that the person who is in need of protection is under the age of 16 years (the age can be verified by reference to the information customarily found in the OSR). Where a student over 16 years of age discloses that other children may be in need of protection, (i.e. that physical, emotional, sexual abuse or neglect is occurring or has occurred), the person receiving the information shall report this disclosure to Children's Aid Society. Children's Aid will determine whether further intervention is necessary, and may contact the police for assistance in determining if the other children are at risk.

C. **DEFINITION OF A "CHILD IN NEED OF PROTECTION"**

The Child and Family Services Act (as amended, 1999) expand the definition of the conditions which place a child in "need of protection". These conditions would include both the risk of or actual infliction of physical, sexual and emotional harm, as well as evidence of neglect or a failure on the part of a parent/guardian or caretaker to access required medical treatment or to adequately supervise a child. This would also include 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 (CFSA as amended, 1999) is contained in Appendix II, page 8.

All staff shall be familiar with the full definition of "a child in need of protection". This replaces the previous use of the phrase "child abuse" with more accurate language and definition.

D. **PROCEDURES TO BE FOLLOWED**

1. A child in need of protection shall be given the highest priority. Actions shall be taken immediately on any suspicion that a child is in need of protection. The responsibility for reporting a child in need of protection is the sole responsibility of the person who holds the suspicion.
2. **Confer with the Principal**
All school personnel including parent/guardian and community volunteers who think there may be reasonable grounds to suspect a child in need of protection shall immediately confer with the Principal or Principal's designate. The principal or designate will ensure that the employee or volunteer has the opportunity to report to the appropriate Children's Aid Society without delay. Telephone contact with CAS should occur as soon as there is suspicion of a child in need of protection. This allows the CAS sufficient time to intervene before the child is scheduled to return home.
3. When in doubt, all school personnel including parent/guardian and community volunteers may consult the school social worker or the Chief Social Worker or the Family of Schools' Superintendent.

Remember: One does not have to have proof that a protection concern exists. A report is necessary whenever there are reasonable grounds to suspect that one of the conditions for reporting exists.

Any consultation with those mentioned above does not take away the obligation on the part of school personnel including a parent/guardian or community volunteer to ensure that a report is made without delay.

NOTE: Physical inspection of a child is the responsibility of the Children's Aid Society. It is not the responsibility of the staff member or the Principal to conduct an investigation or to prove that the child is in need of protection. The Children's Aid Society has the legal mandate to conduct a complete investigation and to take appropriate action to ensure the safety of the child.

NOTE: The Board will support any school person including a parent/guardian or community volunteer who, on reasonable grounds, reports a child in need of protection.

4. **Consultation with CAS**

- 1) If you are unsure if something should be reported, you can **always** consult with CAS to confirm if there is a suspicion of a child in need of protection.
- 2) When school personnel including a parent/guardian or community volunteer calls to consult, he/she should be prepared to give identifying information (i.e. employee name, name of student, date of birth, address, etc.). If the CAS worker confirms that the child is in need of protection, you will be required to give the identifying information.
- 3) If, after consultation, the CAS worker states that the child is not in need of protection or that the case will not be pursued or "opened" by CAS, the employee is not required to give identifying information if asked.

5. **Investigation and Notification of Parent(s)/Guardian(s)**

NOTE: In many cases, the investigation will be conducted by a team composed of a CAS worker and a police officer. In some cases the investigator will be either a CAS worker or a police officer.

- a) The principal will allow the investigator to interview the child without parent/guardian consent **ONLY** if the investigator signs the Child In Need of Protection Investigator's Statement (GF030). This document states that the investigator is:
 - i) Investigating a reported case of a child in need of protection
 - ii) Is 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
- b) The interview should not take place in the school in the absence of either parent/guardian consent or the signed Child In Need of Protection Investigator's Statement.
- c) The investigator may exercise the statutory powers under the *Child and Family Services Act* (as amended, 1999) to remove the child from the school, in cases considered sufficiently urgent to justify such action.*

NOTE: It is the responsibility of the Children's Aid Society 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 Children's Aid, but should occur, if at all possible, prior to the child leaving the school. If the Principal wishes to notify the parent/guardian, he/she shall first consult with the Investigator.

* Where the child is removed from the school by the statutory powers under the Child and Family Services Act (amended, 1999) the principal must:

- a) Request appropriate identification from the CAS worker or police officer.
- b) Request that the investigating officer sign a statement identifying himself (herself), the agency on whose behalf he/she is acting, that he/she is taking the child from the school premises, and that he/she is qualified to exercise statutory powers to do so.
- c) When a child is suspected to be in need of protection and the child is a special education student, or a student with limited communication (i.e. Autism Spectrum Disorder, deaf) the Children's Aid/Police may require assistance from specialized community staff prior to and/or during the interview with the student. (See Appendix IV, page 11) If requested to do so, the Principal shall ensure that appropriate information concerning the student's special communication needs are shared with this community staff or other appropriate support services.
- d) If circumstances arise which do not appear to be covered by this procedure the principal should seek advice from the Family of Schools Superintendent.

6. Reporting Form: Report of Suspected Child In Need of Protection Form (GF 031-E)

- a) The school principal or his/her designate shall complete a report form in two (2) copies: to the Director of the Children's Aid Society and to the Chief Social Worker. (Refer to Form GF 031-E).
- b) Documentation will:
 - i) Be factual (including dates and times) and contain no opinions
 - ii) Contain personal observations, what was seen and heard directly by the teacher, principal or other observers
- c) The copy of the form to the Director of the Children's Aid Society will be sent by mail by the principal.
- d) The principal shall forward the copy of the Suspected Child in Need of Protection Form to the Chief Social Worker.

NOTE:

Under no circumstances should any documentation of a child in need of protection be inserted in the Ontario Student Record (OSR)

E. **STAFF TRAINING**

School Principals will ensure that:

- a) All school personnel including parent/guardian and community volunteers are made aware of and understand the relevant sections of the *Child and Family Services Act* (amended, 1999) and particularly the requirements to report suspected cases of a child in need of protection.
- b) Each September, at a staff meeting, all teachers, non-teaching school personnel, parent(s)/guardian(s) and community volunteers are informed about the Board policy and procedures regarding a child in need of protection.
- c) Principals should involve school social workers and other special services staff when in-servicing school personnel at staff meetings.

Family of Schools' Superintendents will ensure that:

- a) School administrators receive a yearly in-service with regard to the Child and Family Service legislation and General Administrative Procedure.

APPENDIX I

DUTY TO REPORT: "CHILD IN NEED OF PROTECTION"

All employees of the Board regardless of who they are or what they do have an obligation under the Child and Family Services Act (amended, 1999) to take action on behalf of children they suspect are children in need of protection [CFSA amended, 1999 72 (1)].

There is an ongoing duty to report repeatedly if additional evidence of a child in need of protection emerges [CFSA amended, 1999 72 (2)].

The person holding the suspicion is personally obligated to report [CFSA amended, 1999, 72 (3)].

It is an offence if a person who is a "professional" or who performs "official duties" fails to report a child in need of protection [CFSA amended, 1999, 72 (4)].

The Act obligates all people working in a professional capacity with children to report a child in need of protection [CFSA amended, 1999, 72 (5)].

It is also an offense to discourage an employee from making a report of a child in need of protection based on their suspicion [CFSA amended, 1999 72 (6.1)].

The specific wording of the *Child and Family Services Act* (amended, 1999) is as follows:

- | | |
|-----------------------------|--|
| Ongoing duty to report | (2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child. |
| Person must report directly | (3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on his or her behalf. |
| Offence | (4) A person referred to in subsection (5) is guilty of an offence if,

(a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and

(b) the information on which it was based was obtained in the course of his or her professional or official duties. |
| Same | (5) Subsection (4) applies to every person who performs professional or official duties with respect to children including:

(a) A health care professional, including a physician, nurse, dentist, pharmacist and psychologist;

(b) A teacher, school principal, social worker, family counsellor, priest, rabbi, member of the clergy, operator or employee of a day nursery and youth and recreation worker.

(c) A peace officer and a coroner; |

(d) A solicitor; and

(e) A service provider and an employee of a service provider.

Same

(6) In clause (5) (b),

"youth and recreation worker" does not include a volunteer.

Same

(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence.

Same

(6.2) A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than \$1,000.

NOTE:

72 (7)

Means that:

No legal action will be taken against a person who reports information that is confidential or privileged unless the person acts maliciously or without reasonable grounds for the suspicion.

APPENDIX II

II DEFINITION OF A "CHILD IN NEED OF PROTECTION"

The specific wording of the Child and Family Services Act (as amended, 1999) concerning a child in need of protection (72 (1)) is as follows:

Duty to report child in need of protection

Sec. 72 (1) Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. 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
2. 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.
3. The child has been sexually molested 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 molestation or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent/guardian or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.
6. 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/guardian or the person having charge of the child.

7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent/guardian 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.
8. 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 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent/guardian or the person having charge of the child.
9. 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 6 and that the child's parent/guardian 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 prevent the harm.
10. 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/guardian or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. The child has been abandoned, the child's parent/guardian has died or is unavailable to exercise his or her 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/guardian refuses or is unable or unwilling to resume the child's care and custody.
12. 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/guardian 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.
13. 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.

APPENDIX III

III HOW TO CONTACT YOUR LOCAL CHILDREN’S AID SOCIETY

- A) **Peel Children’s Aid**
(Mississauga and Brampton)
<http://dcafs.on.ca/>
- 6860 Century Avenue, West Tower
MISSISSAUGA, Ontario L5N 2W5
- 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, Ontario
L9W 4Z5
- Phone: 1 – 519 – 941 – 1530
Fax: 1 – 519 – 941 – 1525

APPENDIX IV

CHILD IN NEED OF PROTECTION PROTOCOL

INVESTIGATIONS INVOLVING DEVELOPMENTALLY CHALLENGED STUDENTS

Special Considerations

1. All Child In Need of Protection Protocol Procedures apply in cases involving students with special education needs (i.e. students with autism spectrum disorder, a developmental or mild intellectual disability and so on).
2. The police/CAS investigating team may require specialized staff and assistance when planning and/or conducting an interview of an alleged child in need of protection victim who has special education needs.
3. The interview of the child should be videotaped if at all possible.

Procedures

1. When it is determined that an alleged "child in need of protection" victim may be a special education student, the team may wish to consult with staff specialized in special education, if time permits. Depending on the time of day and/or the urgency of the situation, it may be necessary for the team to proceed, and to consult later if necessary.
2. **Peel Behavioural Services** <http://www.peelbehaviouralservices.ca/> will provide this consultation service to the team. A specialist staff member has been designated to provide this service. Should the designated staff person not be available, the Clinical Director will respond to the request.
3. Staff from Peel Behavioural Services may need to gather additional pre-interview information from the referral source and/or collaterals. This information will assist the team to prepare for the interview. The specialized staff may recommend that he/she, or another specialized professional or interpreter, join the team for the interview. Examples of circumstances when this would be necessary would be:
 - the person's primary way of communicating information is sign language, language board, or computer assistive devices
 - the person's verbal communication can be understood by only a limited group of individuals
 - other assistance is required to enable the child to provide information to the investigators
- In assault investigations involving developmentally challenged children or adults, and where the Child In Need of Protection Protocol does not apply, the police would request consultation directly at any time during the course of their investigation.

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD

CHILD IN NEED OF PROTECTION: REPORTING PROCEDURE FLOW CHART

All staff including volunteers in-serviced and aware of GAP 108.00: Child In Need of Protection: Reporting Procedures

