



## ADMINISTRATIVE GUIDELINE

Title: School/Children's Aid Society Protocol

Effective Date: September 1, 2009

Responsibility: Superintendent of Program &  
Schools (Elementary)

A successful response to a child protection situation requires a collaborative effort on the part of everyone involved.

### 1.0 The Statutory Duty to Report

Basically, everyone has a duty to report child abuse.

If a person has reasonable grounds to suspect that a child is or may be in need of protection, the person must promptly report the suspicion and the information upon which it is based to a Children's Aid Society.

The situations that must be reported are listed in detail below.

#### **Child and Family Services Act CFSA s.72 (1)**

- (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. If required, immediate release will be provided to the worker to make the call.
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] a 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 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 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 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 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 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 or the person having charge of the child.
9. There is 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 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 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 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 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 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 killed or seriously injured another person or caused serious 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.

**Note:** When a student who is sixteen years or older discloses either a current or past abusive event, he/she should be advised, encouraged and aided in contacting appropriate agencies (for example, the police or a counseling agency). \*If the student is sixteen or over, and discloses that there are other children residing in the same home, a report should be made to the Children's Aid Society.

#### **Ongoing duty to report - CFSA s.72 (2)**

The duty to report is an ongoing obligation. If a person has made a previous report about a child, and has additional reasonable grounds to suspect that a child is or may be in need of protection, that person must make a further report to a Children's Aid Society.

#### **Persons must report directly - CFSA s.72 (3)**

The person who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a Children's Aid Society. The person must not rely on anyone else to report on his or her behalf.

#### **What are "reasonable grounds to suspect?"**

You do not need to be sure that a child is or may be in need of protection to make a report to a Children's Aid Society. "Reasonable grounds" are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would suspect.

#### **Special responsibilities of professionals and officials, and penalty for failure to report - CFSA s.72 (4), (6.2)**

Professional persons and officials have the same duty as any member of the public to report a suspicion that a child is in need of protection. The Act recognizes, however, that persons working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions, and so makes it an offence to fail to report.

**Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or official duties, is liable on conviction to a fine of up to \$1,000.**

**Professionals affected - CFSA s.72 (5)**

**All Near North District School Board employees are deemed to have a professional obligation to report.**

**Note:** For teachers, it is also professional misconduct under the *Ontario College of Teachers Act* regulations to fail to comply with "...the member's duties under the Child and Family Services Act." (Regulation 437/97, section 1, paragraph 27)."

**Professional confidentiality - CFSA s.72 (7), (8)**

The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official. That is, the professional must report that a child is or may be in need of protection even when the information is supposed to be confidential or privileged.

**Protection from liability - CFSA s. 72(7)**

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

**What will the Children's Aid Society do?**

Children's Aid Society workers have the responsibility and the authority to investigate allegations and to provide services to protect children.

A Children's Aid Society worker may, as part of the investigation and plan to protect the child, involve the police and other community agencies.

## **2.0 Procedures for Near North District School Board Personnel**

### **2.1 Information to Provide**

In making the report, the following information should be provided:

- name of child(ren)
- birth dates of child(ren)
- address of child(ren)
- names and addresses of parents or caretakers (include fire route #, if known)

- custodial status of child
- other children in family
- home phone
- nature and extent of concern
- any known or suspected history of domestic violence
- strengths of child and family
- request to the worker that the information be confidential. Anonymity, however, cannot be guaranteed if proceedings go to court.
- reinforce to the worker the duty to report that leads to this report
- any other information that might be helpful in establishing the reasons for the concern or the report.

**Document all of the meetings, observations and discussions that have led up to the making of the report.**

### **2.3 Investigative Team**

Under the legislation, school personnel have a duty to report, not investigate. If the report involves alleged physical or sexual abuse, an intake worker is assigned and the appropriate police force is contacted as per the child abuse protocols between the C.A.S. and the police forces. Child protection reports are normally investigated by the investigative team between twelve hours and seven days, dependent on the circumstances.

### **2.4 Investigations on School Premises**

#### **2.4.1 Child Abuse Reports**

In child abuse situations, where the investigative team has determined the best interests of the child require that an interview take place without prior knowledge and in the absence of parents, the principal will permit an interview to take place without prior parental consent. The investigative team undertakes to inform the parents of the interview as soon as reasonably possible. The Principal or his/her designate or someone identified by the child as a support person can be present during the interview unless the investigative team determines that this is not in the best interest of the child. This will be discussed by the investigative team and the Principal prior to the interview.

When a child is apprehended by CAS and/or when CAS asks the principal to detain the child, then it becomes the responsibility of the CAS to notify the parents at the earliest possible time and in the most direct manner possible.

If the school is being asked to detain the child beyond regular school hours, the CAS will provide written notification to the school. If a parent objects, or the student refuses to be detained, the school will allow the student to leave and will not become involved in any

physical confrontation to prevent the child from leaving.

#### **2.4.2 Other Reports**

In situations where the school personnel are reporting a child in need of protection for other reasons, interviews should not take place on school premises unless:

- a) the C.A.S. contacts the parent and obtains written or verbal consent,
- b) the parent is present,
- c) it is determined by the C.A.S. worker with cooperation of the Principal that circumstances dictate that the child should be interviewed at the school without consent or
- d) the child is twelve years of age or older, and requests to speak to a C.A.S. worker prior to his/her parents being informed.

In the latter two situations, the C.A.S. worker will undertake to inform the parents of the interview as soon as is reasonably possible.

#### **2.4.3 Notification**

When the C.A.S. or the investigative team plans to interview a child at school, the Principal or his/her designate should be advised of the proposed time and date for the interview, whether or not the parent has been notified or has given consent, and whether or not the parent plans to be present.

#### **2.4.4 Referral Source**

The referral source will be identified to the parents as the school rather than a particular school board employee.

### **3.0 Reporting Results of the Investigation**

#### **3.1 Restrictions**

Release of personal information regarding the child and family is prohibited under the Child and Family Services Act without consent of the person. If the child is placed in C.A.S. care or restrictions are placed on parental access to the child by court order, this information will be shared with the school Principal.

#### **3.2 Parental Consent**

The C.A.S. should endeavor to get parental consent so that information can be shared with school personnel that will assist in supporting the child and ensuring an ongoing relationship between the C.A.S., the school, and the family.

### **4.0 Investigations Involving School Personnel**

If the report concerns school personnel, the School Board has a direct interest in determining the facts. After consultation and direction from the Children's Aid

Society and/or the police, the School Board will investigate and take appropriate action which will involve discipline up to and including discharge if the School Board is satisfied that an employee has engaged in misconduct.

#### **4.1 Notification**

When a report is being made regarding school personnel the C.A.S. (or investigative team) will notify the school Principal and/or the Superintendent of the allegation, that an institutional investigation is proceeding, the plan for the investigation, and, at its conclusion, of the outcome. The C.A.S. will also keep any affected parents or guardians informed, and may do so in conjunction with the school Principal or the school Superintendent. The school principal will, in every case, inform the school Superintendent of the allegation and will keep the Superintendent informed throughout the process.

#### **4.2 Need for Protection**

The Superintendent and/or Director of Education has the responsibility of determining whether or not the staff member will continue to perform his or her duties during the investigation.

The C.A.S. has the responsibility of determining whether or not the child(ren) is in fact in need of protection from reported school personnel. Should the C.A.S. determine that the child(ren) is in need of protection from the reported school personnel, the C.A.S. will report that finding to the Principal and the Superintendent, who will take appropriate action to protect that child, and any other child, from future abuse.

#### **4.3 Criminal Charges**

If the allegation involves a possible Criminal Code Offence, the police determine whether or not charges will be laid.

**4.4** Once the requirements of the legislation have been satisfied and appropriate action is taken to protect the child(ren), the School Board will investigate the allegation and take appropriate action which will involve discipline up to and including discharge if the School Board is satisfied that the employee has engaged in misconduct. It may include the Ontario College of Teachers' involvement for disciplinary purposes.

### **How to contact a Children's Aid Society**

Check the telephone directory for the office closest to you. In some communities, the Children's Aid Society is known as "family and children's services." The emergency pages in most Ontario telephone directories have the number to call to report to a Children's Aid Society.