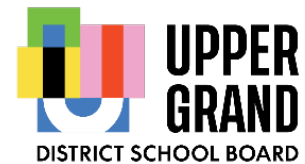


# Child Abuse and Protection Procedures Manual 502-A



<b>Category:</b>	Students
<b>Administered by:</b>	Appropriate Superintendent
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## 1. General

Every citizen in the community shares a responsibility for children's well-being. School officials and all board employees share in this collective community responsibility for creating safe and nurturing environments for children. Under the *Child, Youth and Family Services Act* (CYFSA), this responsibility includes the legal requirement to report to the local Children's Aid Society any suspected child abuse or neglect.

Teachers and other Upper Grand District School Board (UGDSB) employees have a special opportunity to know and understand children during their most influential years of development. They are in a unique position to be able to see the early signs of abuse and/or neglect.

## 2. Definitions

### Children's Aid Societies

The Children's Aid Societies in the UGDSB area include:

- Dufferin Child and Family Services (DCAFS)
- Family and Children's Services of Guelph and Wellington County (F&CS)

### Child

A child is legally defined as a person under the age of 16 years or a person under 18 years of age who is subject to an order under the Child, Youth and Family Services Act requiring DCAFS /F&CS involvement. [CYFSA 2017]\*.

### 3. Education and Prevention

- 3.1 The goal of the Prevention Curriculum is to reduce the incidence of child abuse and neglect, and to encourage the reporting of suspected abuse cases.
- 3.2 The Ontario Health and Physical Education Curriculum K-12 helps students of all ages develop their ability to communicate with others about ideas, feelings, intentions and boundaries, and to act respectfully in all types of relationships. Students learn, in ways appropriate to their age and stage of development, that people in all relationships have a responsibility to respect and get along with each other.
- 3.3 These personal safety programs are to be taught, with support of the school Child and Youth Counsellor (CYC), in the following grades:
  - Grades 1 and 3: *Be Safe*
  - Grade 5: *Kids in the Know*
  - Grade 7: *It Is Not Your Fault*
- 3.4 Parents must be informed of the content, activities and resources of the school education programs prior to the programs being run in schools (e.g., via a class or school newsletter).

### 4. Early Identification

Teachers and other UGDSB employees are in a unique position to identify children and families who are at risk for future problems; because of their daily contact, they can get to know children very well and often hear details about the children's home environments. Many children who are at risk of abuse and neglect can be identified early, and through early identification we can involve families in planning for their children in such a way that builds on their strengths and minimizes and/or prevents future abuse and or neglect.

#### 4.1 Early signs of risk

Physical and behavioural indicators that a child has been abused or neglected, or is at risk of abuse or neglect, are listed in Appendix A Indicators of Child Abuse. It is the combination, duration, and frequency of such indicators that can alert staff to potential abuse. By being aware of such indicators, children at risk can be identified before more serious situations of abuse or neglect occur.

## 5. Responsibility to Report

### 5.1 Duty to Report (CYFSA, s. 125 (1))

All persons who have reasonable grounds to suspect that a child may have suffered, or is at risk of suffering, abuse or neglect (as described in Section 6 below) shall immediately report that suspicion and the information upon which it is based to either DCAFS or F&CS.

5.1.1 A person with a duty to report, as described above, is personally required to make that report directly to DCAFS or F&CS, and not to rely on any other person to make that report on his or her behalf.

5.1.2 The duty to report, as described above, includes suspicion of abuse or neglect, or witnessing abuse or neglect by a board employee.

### 5.2 Ongoing Duty to Report (CYFSA, s. 125 (2))

A person with additional suspicions that a child may have suffered abuse or neglect, or is at risk of suffering abuse or neglect, must make a further report to DCAFS or F&CS, even if the person has made previous reports with respect to that same child.

### 5.3 Special responsibility imposed on persons working with children to report (CYFSA, s. 125 (5) (8) (9))

Persons with professional or official duties with respect to children (teachers, teaching assistants, principals, psychologists, child and youth counsellors, social workers, etc.) have a special duty to report any suspicions that a child has been abused or neglected, or are at risk of abuse or neglect.

### 5.4 Protection from liability (CYFSA, s. 125 (10))

Should civil action be brought against a person who made a report, the person will be protected unless the person acted maliciously or without reasonable grounds for the suspicion.

### 5.5 Penalty for failure to report (CYFSA, s. 125 (5) (8) (9))

5.5.1 Failure to report one's reasonably held suspicion of child abuse or neglect constitutes an offence under the *Child, Youth and Family Services Act, 2017*. Professionals who fail to report their suspicion of child abuse or neglect are liable, on conviction, to a fine of up to \$5000.

5.5.2 The failure of an employee to comply with the reporting requirements of the *Child, Youth and Family Services Act, 2017*

and/or with the board's reporting requirements under this policy, shall be investigated by the appropriate superintendent.

- 5.5.3 Employees may be subject to disciplinary action for failure to comply with these reporting requirements.
- 5.5.4 Professional educators are also reminded of their obligations as members of the Ontario College of Teachers to report suspected cases of child abuse or neglect to DCAFS or F&CS.

**5.6 Professional confidentiality (CYFSA, s. 125 (10) (11))**

- 5.6.1 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.
- 5.6.2 The professional must comply with the reporting law even though the reported information may be confidential or privileged.

## **6. Grounds for Reporting**

The *Child, Youth and Family Services Act, 2017* (CYFSA) mandates a duty to report when there is suspicion that a child suffers, may have suffered, or is at risk of suffering, abuse and/or neglect in the following circumstances:

- 6.1 There is a suspicion that the child has suffered, or there is a risk the child will suffer, physical harm, either inflicted by the person having charge of the child or caused by that person's:
- failure to provide for, care for, supervise, or protect the child
  - pattern of neglect in caring for, providing for, supervising, or protecting the child
- 6.2 There is a suspicion that the child has been, or is at risk of being, sexually abused or exploited by a person having charge of the child.
- 6.2.1 There is a risk of the child being sexually abused or exploited by another person, and 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

- 6.3 There is a suspicion that the child requires medical treatment to cure, prevent or alleviate physical harm or suffering, the child is unable to consent under the *Health Care Consent Act*, 1996, and the child's parent or the person having charge of the child:
- does not provide the treatment
  - refuses to provide the treatment
  - is unavailable to consent to treatment, or
  - is unable to consent to the treatment
- 6.4 There is a suspicion that the child has suffered, or there is a risk the child is likely to suffer, emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development and:
- 6.4.1 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 person having charge of the child.
- 6.4.2 It is known or there is a risk that the child's parent or person having charge of the child:
- does not provide services or treatment to remedy or alleviate the harm
  - refuses to provide such services or treatment
  - is unavailable to consent to such services or treatment
  - is unable to consent to such services or treatment
- 6.5 There is a suspicion that the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development, the child is unable to consent under the *Health Care Consent Act*, 1996, 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 condition.
- 6.6 There is a suspicion that 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.

- 6.7 There is a suspicion that 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, and services or treatment are necessary to prevent a recurrence, the child is unable to consent under the *Health Care Consent Act*, 1996 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 treatments.
- 6.8 There is a suspicion that 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.
- 6.9 In the course of communication between a child and a UGDSB employee, the child may disclose that he or she or another child have been harmed or neglected, or are at risk of being harmed or neglected.

## 7. Reporting Procedures

The staff member making the report will complete the Duty to Report Form for Child Abuse and Protection 502-1. (It is recommended that this form be completed prior to making the report to DCAFS or F&CS because much of the information they require is on the form.) After making the report, this form must be signed by the principal or designate and retained in the student's S18 Child Welfare file secured in the principal's office. If a student does not have an S18 file, one must be created. Under no circumstances should the 502-1 be stored in the OSR. See Form 502-1 for information regarding storage and retention. The Duty to Report Form 502-1 will be used to document any further referrals and/or ongoing contact with DCAFS or F&CS in relationship to this child.

### 7.1 Students under the age of 16

- 7.1.1 If staff are unsure about whether or not they have reasonable grounds to make a report, they are encouraged to seek further advice. General calls to clarify a course of action can be made directly to DCAFS or F&CS. Staff can also consult the principal,

the school's Child and Youth Counsellor, and/or Counselling and Attendance Services for guidance and support.

- 7.1.2 When a staff member suspects that a child is being or has been abused or neglected, or that there is a risk that a child will suffer abuse or neglect, they **must immediately notify** DCAFS or F&CS. The staff member who has the suspicion retains primary responsibility for reporting and may not delegate the reporting to any other person.
- 7.1.3 After the staff member has made a report to DCAFS or F&CS they must immediately notify the principal or designate if they have not already done so, unless that person is the alleged offender. If the alleged offender is the principal or designate, notify the appropriate superintendent.
- 7.1.4 When it has been determined that a report should be made, DCAFS or F&CS shall be immediately contacted:
- In Guelph & Wellington County, call (519) 824-2410 or 1-800-265-8300 (24 hours)
  - In Dufferin County, call (519) 941-1530 (24 hours)
- 7.1.5 Once a call has been made to DCAFS or F&CS, board staff **will not** notify the alleged victim's parent or guardian that a report of suspected abuse or neglect has been made unless advised to do so by DCAFS or F&CS.
- 7.1.6 The principal shall take direction from DCAFS or F&CS in an emergency situation.

## 7.2 **Students 16 or 17 years of age (CYFSA, s. 125 (4))**

Staff members who have a concern about the abuse or neglect of a student aged 16 or 17 may choose to notify DCAFS or F&CS directly. The same situations/conditions under 7.1 will be assessed by DCAFS or F&CS.

- 7.2.1 If a student is 16 or 17 years of age and subject to a court order under the *Child, Youth and Family Services Act, 2017*, the agency may be required to proceed with an investigation.

- 7.2.2 If there are children within the same family who may be at risk of the abuse or neglect, the agency may be required to proceed with an investigation.
- 7.2.3 If a student is 16 or 17 years of age but not subject to an order under the *Child, Youth and Family Services Act, 2017*, the agency may advise to treat the situation as a possible criminal matter that should be reported to the local police services; if so, the youth's knowledge, consent and co-operation is required.
- 7.3 **When the alleged offender is an employee of the Upper Grand District School Board**
- 7.3.1 If an employee of the board has reason to suspect another board employee of child abuse or neglect, or has witnessed an incident of abuse or neglect, it is the individual's responsibility to immediately contact either their principal/supervisor or human resources prior to following the reporting procedures as outlined above. In order to ensure the integrity of the investigation, the reporting person shall in no case notify the alleged offender that a report has been made to DCAFS or F&CS.
- 7.3.2 The principal or designate, or supervisor of the employee, must not, under any circumstances, attempt to question the alleged offender unless advised to do so by DCAFS or F&CS or the police.
- 7.3.3 It should be noted that, pursuant to CYFSA s. 125 (10), (11), the professional's legal obligation to report child abuse or neglect takes precedence over any other statutory obligation, including obligations found in the *Teaching Profession Act* and the regulations made thereunder.
- 7.3.4 DCAFS and F&CS will provide feedback to the board regarding the findings of the investigation in as timely a manner as possible. Feedback will be provided to the principal in the event that the investigation involves a school staff member, or in the event that the allegations are against a principal or vice principal, directly to the appropriate superintendent.



## 8. Investigation

The initial interview of the alleged child victim may be conducted by a DCAFS or F&CS child protection worker, or a police officer, or both, as predetermined by the DCAFS/F&CS child protection worker and police officer.

### 8.1 Access to the child

- 8.1.1 The requirements of the *Child, Youth and Family Services Act, 2017* take precedence over existing legislation and school policies which require parent/guardian consent prior to interference with the child by the police or other professionals.
- 8.1.2 Parent/guardian consent is not a requirement to interview the child and, in fact, parent/guardian involvement before seeing the child might jeopardize the DCAFS/F&CS and police investigative process and diminish efforts to protect the child.

### 8.2 Investigation on school premises

- 8.2.1 There are situations where DCAFS or F&CS will require access to the child at school during the course of an investigation.
- 8.2.2 The principal or designate will be notified in advance of the investigator arriving at the school.
- 8.2.3 The principal, or designate, may be present at the interview unless the child refuses or the interviewer confirms that such attendance would not be in the best interests of the child.
- 8.2.4 The principal must consult with DCAFS or F&CS prior to making the determination to notify the victim's parent/guardian.
- 8.2.5 The investigator should provide to the principal sufficient information, as the investigation progresses to its conclusion, to enable school personnel to support the child and to continue the ongoing relationship between home and school. In particular, the investigator should inform the principal as soon as possible:
  - 8.2.5.1 when the parents will be notified, by the interviewer, that the child has been interviewed

- 8.2.5.2 when the school personnel may resume contact with one or both parents if previously requested to abstain
  - 8.2.5.3 if the child is placed in the care of DCAFS or F&CS
  - 8.2.5.4 of the existence and terms of any court orders regarding access by the parent(s) to the child
  - 8.2.5.5 if the investigation is delayed
  - 8.2.5.6 of any other information which the investigator deems to be advisable to assist the school in supporting the child. This information will be subject to the conditions of confidentiality required of DCAFS or F&CS
- 8.2.6 Principals who feel that they need more information should contact the assigned DCAFS or F&CS child protection worker directly.
- 8.2.7 The principal may share updates on the progress of the investigation, as appropriate, with staff.
- 8.2.8 In an emergency resulting in a court order, schools must provide DCAFS or F&CS access to other relevant information with respect to an investigation. The *Municipal Freedom of Information and Protection of Privacy Act* permits the disclosure of information if the board is presented with a warrant.

## 9. Supporting the Child

- 9.1 It is wise to treat all disclosures in a similar fashion, keeping in mind the specific reporting obligations described under section 6 above. When the disclosure involves an allegation regarding a Board employee, follow the reporting procedures outlined under section 7 above.
- 9.2 Staff should do the following five things if a child tells them that she or he has suffered, is suffering, or risks suffering abuse or neglect:

### **Listen**

- Invite the child to say what happened in their own words.
- Ask only open-ended, non-leading questions for clarification purposes only. Don't ask "why" questions and stop questioning as soon as there is enough information to determine that there is

a duty to report a concern under section 6 above.

- It is not the responsibility of staff to determine the validity of the disclosure or to confirm the identity of the alleged abuser.

### **Be Supportive**

Respond with empathy and concern in a manner appropriate to the developmental level of the child:

- Help the child to understand that abuse is never their fault.
- Reassure that it is the right thing to do to bring it out into the open.
- Do not agree to “keep the secret”. Staff will place themselves in the dilemma of either adhering to the reporting laws and betraying the child’s confidence, or ignoring the law and keeping silent knowing the abuse is continuing.
- Thank the child for the trust they show in telling you about it.
- Let the child know that you take seriously what the child is telling you, and that you will contact the people whose job it is to help everyone protect children (or, with older students, that a report must be made to DCAFS or F&CS).

### **Affirm**

Acknowledge and validate the child’s feelings. Avoid telling the child how he/she should feel. Do not project your own reactions onto the child. Remain empathetic but calm.

### **Record and Report**

Retain a written record of the disclosure. Recording should be done discreetly and should not interrupt the child’s disclosure. Do not try to interpret what the child has said, but record the actual words spoken by the child. Be aware that your recording may become an important part of the investigation.

Staff must not rely on any other person to report on his or her behalf. Follow the reporting procedures detailed in section 7 above.

### **Follow-up**

Children who disclose problems to a staff member will need ongoing support. Even if staff are not aware of the details of any child abuse or neglect investigation, they can offer an invaluable support to the child involved. Their support can include ongoing reassurance, and the provision of a consistent and predictable environment, regular check-ins, and knowledge that there is someone there for them.

Staff may notice changes in the child's behaviour or academic performance following a disclosure of abuse or neglect. In response, they can show their understanding of the child's poor performance, and encouragement for appropriate work or behaviour.

Given the confidential nature of child abuse or neglect investigations, DCAFS or F&CS may not be able to share the details of the investigation process or results with staff. However, don't hesitate to continue to talk with the DCAFS or F&CS child protection worker to share concerns and learn what staff members can do to support the child.

Permanent physical damage as the result of child abuse or neglect is rare, but emotional scars can last a lifetime. Children's emotional recovery depends very much on how they were received at the time of disclosure and what ongoing support they receive from people in their everyday lives.

- 9.3 After disclosing a situation of abuse or neglect, a child may later deny or minimize the seriousness of the abuse. This may be because of feelings of guilt or shame, or because of fear of the consequences of telling. When this happens, staff should continue to support the child, and not to try to determine the relative truth of the disclosure. The investigation is the responsibility of DCAFS/F&CS and police services.