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Subject	CHILDREN IN NEED OF PROTECTION: CHILD ABUSE AND NEGLECT REPORTING PROCEDURES
References	<i>Child and Family Services Act</i> <i>Criminal Code of Canada</i>
Links	FORM A7620 - 1; FORM A7620 - 2; FORM A7620 - 3; FORM A7620 - 4
Contact	School Services

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1. General

- 1.1 In order to comply with the *Child and Family Services Act*, the Simcoe County District School Board has developed the following procedures relating to the reporting of suspected child abuse/assault/exploitation or neglect.
- 1.2 These procedures shall be **reviewed annually** by the principal and staff (i.e., **all** board employees who work at the school) early in the school year. The Children's Aid Society will arrange for a social worker to attend a meeting for this purpose upon request.
- 1.3 The role of the principal and staff is not to prove a child has been abused/assaulted/exploited or neglected, but to report to a Children's Aid Society when they have "reasonable grounds to suspect" that a child has been abused/assaulted/exploited or neglected and may be in need of protection. The Children's Aid Society and/or the police shall determine the appropriate course of action to follow.
- 1.4 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 judgement, would suspect.

2. Definitions

- 2.1 **Child**
for the purpose of protection, a child is one who is apparently or actually less than 16 years old. Services may be provided to a person 16 years of age or older only with the person's consent, except where the court orders that the service be provided to the person.
- 2.2 **Physical Assault**
a person commits assault when, without the consent of another person, he/she applies excessive force intentionally to that person, directly or indirectly.
- 2.3 **Sexual Assault**
is any unwanted act of a sexual nature **imposed** by one person on another including rape and any other unwanted fondling, touching, patting or pinching.
- 2.4 **Sexual Interference**
occurs when anyone touches a young person under 14 for a sexual purpose. This is considered a crime

- 2.5 Sexual Exploitation
is any touching or invitation to touch a young person between the ages of 14 to 18, for sexual purposes by a person in a position of trust or authority. This is considered a crime.
- 2.6 Caregiver
is a parent/guardian or another person to whom the parent/guardian has given over charge or responsibility for a child. Caregivers may be day-care providers, babysitters, teachers, other board employees working in schools, school vehicle drivers, hospital nurses.
- 2.6.1 Primary Caregiver
mother, father, step-father, live-in partner, caregiver exercising access contact, adult with a custody and control order for the child in question, foster parent, etc.
- 2.6.2 Assigned Caregiver
daycare worker, babysitter, a family member providing temporary substitute care, a partner of the caregiver (with no legal relationship to the child), school volunteer, etc.
- 2.6.3 Assumed Caregiver
any person employed by the Board is an assumed caregiver, e.g. the teacher, the children's recreational group leader, the school bus driver, education assistant, custodian, etc.
- 2.6.4 Family Member as Caregiver
grandparent, aunt, uncle.
- 2.6.5 Family Member not as a Caregiver
sibling.
- 2.7 Forthwith
same day and in timely manner e.g. prior to child's return home for lunch or end of school day.

3. Reporting Responsibilities

- 3.1 Responsibility to Report [Child and Family Services Act section.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:

- 3.1.1 The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's:



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- 3.1.1.1 failure to adequately care for, provide for, supervise or protect the child; or
 - 3.1.1.2 pattern of neglect in caring for, providing for, supervising or protecting the child.
 - 3.1.2 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:
 - 3.1.2.1 failure to adequately care for, provide for, supervise or protect the child; or
 - 3.1.2.2 pattern of neglect in caring for, providing for, supervising or protecting the child.
 - 3.1.3 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.
 - 3.1.4 There is a risk that the child is likely to be sexually molested or sexually exploited as described in 3.1.3.
 - 3.1.5 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.
 - 3.1.6 The child has suffered emotional harm, demonstrated by serious:
 - 3.1.6.1 anxiety
 - 3.1.6.2 depression
 - 3.1.6.3 withdrawal
 - 3.1.6.4 self-destructive or aggressive behaviour, or
 - 3.1.6.5 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.



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- 3.1.7 The child has suffered emotional harm of the kind described in item 3.1.6 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.
 - 3.1.8 There is a risk that the child is likely to suffer emotional harm of the kind described in item 3.1.6. 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.
 - 3.1.9 There is a risk that the child is likely to suffer emotional harm of the kind described in item 3.1.6 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.
 - 3.1.10 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 to is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
 - 3.1.11 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.
 - 3.1.12 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.
 - 3.1.13 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.

3.2 Ongoing Duty to Report [Child and Family Services Act section72(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.

3.3 Persons Must Report Directly [Child and Family Services Act section72(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.

3.4 Special Responsibilities of Professionals and Officials [Child and Family Services Act section 72(4)]

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.

3.5 Penalty for Failure to Report [Child and Family Services Act section 72(6.2)]

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.

3.6 Professional Confidentiality [Child and Family Services Act section 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. (The only exception for "privileged" information is in the relationship between a solicitor and a client.)

3.7 Protection from Liability [Child and Family Services Act section 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.

3.8 Every staff member, who, in the course of his/her professional or official duties, has information that another staff member has engaged in **assault or sexual exploitation** of a student who is 16 or 17 years of age, is obligated to **report such behaviour to the police**. (see also APM 146, Student Harassment.)

If in doubt, consult the Children's Aid Society.

4. Procedures For Dealing With Suspected Child Abuse/Assault

4.1 General

- 4.1.1 Child **abuse** means that harm to the child has occurred at the hands of a **caregiver**. Similar harm from a **non-caregiver** constitutes **assault**. **Both are criminal offences.**
- 4.1.2 Reports made by children must be taken seriously and shall be thoroughly investigated by the persons/officials mandated to do so by law.
- 4.1.3 The focus of the intervention must be to promote the best interests, protection and well being of children.
- 4.1.4 An effective response requires co-operation and co-ordination among educators and service-providers.
- 4.1.5 The sharing of information is necessary to make good decisions and must be done in a manner, which protects privacy and respects confidentiality.

4.2 When the Suspected Offender is Not a Caregiver and Not a Staff Member (Assault) (APPENDIX A)

Note

This includes cases where the suspected offender is a student, a contractor or a person employed by a contractor.

- 4.2.1 The suspected child assault shall be discussed with the principal or vice-principal.
 - 4.2.2 The principal or vice-principal shall investigate and may determine appropriate discipline if this involves two or more students and the assault is of a minor nature.
 - 4.2.3 If after investigating, there are reasonable grounds to suspect assault, the principal or vice-principal shall:
 - 4.2.3.1 report the suspected assault to the parent(s)/guardian(s) of the student(s) involved;
 - 4.2.3.2 call the police;
 - 4.2.3.3 inform the superintendent of education and the Superintendent of Facility Services if the suspected offender is a contractor or a person employed by the contractor.
- 4.3 In **ALL** instances where the Suspected Offender is a **Caregiver** (Abuse) – (APPENDICES B and C) (subsequently refer to items 4.4, 4.5, 4.6, or 4.7)

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- 4.3.1 Any staff member who has reasonable grounds to suspect that a child is in need of protection in accordance with the *Child and Family Services Act* shall report their suspicion forthwith to the Children's Aid Society.
 - 4.3.2 A staff member who has the duty to report shall make the report directly to the Children's Aid Society and shall not rely on any other person to report on his or her behalf.
 - 4.3.3 A staff member who has made a report and who has additional information or further concerns shall make an additional report.
 - 4.3.4 If assistance is required to determine whether or not reasonable grounds to report exist, the staff member shall consult the Children's Aid Society.
 - 4.3.5 A staff member shall not suffer any reprimand or sanction as a result of reporting to the Children's Aid Society reasonable grounds to suspect that a child is in need of protection in accordance with the *Child and Family Services Act*.
 - 4.3.6 The reporting staff member should be prepared to provide the information identified in APPENDICES F10 - F13. The reporting staff member should further complete these forms, A7620 – 1 to A7620 – 4, providing as much information as is available and should provide a copy of the completed forms to the principal for filing in a student specific file. These forms are not to be filed in the OSR.
- 4.4 When a Suspected Offender is a Caregiver but not a Staff Member (Abuse) – (APPENDIX B) see item 4.3.
- 4.4.1 The staff member making the report shall as soon as possible inform the principal/vice principal that a report has been made and if known, the identity of the suspected offender;
 - 4.4.2 The principal or vice-principal shall inform the superintendent of education that a report has been made.
 - 4.4.3 **If the suspected offender is the driver of a contracted vehicle**, the principal or vice-principal shall also inform the Superintendent of Facility Services (APPENDICES B and C).
 - 4.4.3.1 A decision shall be made by the Director of Education and the Superintendent of Facility Services as to whether or not the contracted driver shall be removed from duty during investigation by the Children's Aid Society and/or police or during an internal investigation.
 - 4.4.3.2 Subsequent to investigation by the Children's Aid Society and/or police, an internal investigation if required shall be supervised by the Superintendent of Facility Services.

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- 4.5 When the Suspected Offender is a Caregiver and a Staff Member (Abuse) – (not including Principal) (APPENDICES B and D) see Section 4.3.
- 4.5.1 The staff member making the report shall as soon as possible inform the principal/vice principal or the appropriate supervisor/manager that a report has been made and if known, the identity of the suspected offender;
- 4.5.2 If the suspected offender is:
- 4.5.2.1 a member of the Elementary Teachers Federation (ETFO) or the Secondary Teachers Federation (OSSTF) the principal shall notify forthwith the superintendent of education and the superintendent of employee services;
 - 4.5.2.2 a member of the Canadian Union of Public Employees (CUPE) the Principal shall notify forthwith the superintendent of facility services, the superintendent of employee services, and the superintendent of education;
 - 4.5.2.3 a member of the Ontario Public Service Employees Union (OPSEU) the principal shall notify forthwith the superintendent of education and the superintendent of employee services;
 - 4.5.2.4 any other staff member, the principal shall notify the superintendent of education and the superintendent of employee services.
- 4.5.3 Subject to authorization by the Children’s Aid Society, police or supervisory officer to inform the suspected offender, the principal or superintendent shall forthwith notify the staff member of the accusation, the action taken and advise him/her to consult with his/her federation, union or professional association and shall further notify directly the appropriate federation, union or professional association.
- 4.5.3 The principal shall co-operate but remain uninvolved with any investigation. The principal or other persons shall not discuss with or interview any parties with respect to the alleged incident(s) except as directed by the Children’s Aid Society, police or supervisory officer of the board.
- 4.5.5 A decision shall be made by the appropriate superintendent and the director of education as to whether or not the staff member shall be removed from their current duties during investigation by the Children’s Aid Society and/or police or during any subsequent internal investigation, and if so, how this action will be taken.
- 4.5.6 Subsequent to any investigation by the Children’s Aid Society and/or police the appropriate superintendent and the director of education shall determine if further internal investigation is required and who shall

- supervise any internal investigation undertaken.
- 4.5.7 Where the staff member has been removed, the principal shall inform the staff that the staff member has been reassigned.
- 4.6 Where the Suspected Offender is a Principal (Abuse/Assault/Exploitation) (APPENDICES B and D) see Section 4.3.
- 4.6.1 The staff member making the report shall inform the appropriate superintendent of education that a report has been made and if known the identity of the suspected offender.
- 4.6.2 The superintendent of education shall notify the director of education. A decision shall be made by the appropriate superintendent and the director of education as to whether the principal shall be removed from their current duties during investigation by the Children's Aid Society and/or police or during any subsequent internal investigation, and if so, how this action will be taken.
- 4.6.3 The superintendent of education shall notify the principal of the accusation made, the action taken and advise him/her to seek counsel and/or consult his/her professional association.
- 4.6.4 Subsequent to an investigation by the Children's Aid Society and/or police, the director of education and the appropriate superintendent shall determine if further internal investigation is required and who shall supervise any internal investigation undertaken.
- 4.6.5 Where the principal has been removed the superintendent of education shall inform the school staff that the principal has been reassigned.
- 4.7 Where the Suspected Offender is a Supervisory Officer (Abuse) (APPENDICES B and D) see Section 4.3.
- 4.7.1 The staff member making the report shall inform the director of education that a report has been made and if known, the identity of the suspected offender;
- 4.7.2 A decision shall be made by the director of education as to whether the supervisory officer shall be removed from their current duties during investigation by the Children's Aid Society and/or police or during any subsequent internal investigation, and if so, how this action shall be taken.
- 4.7.3 The director of education shall notify the supervisory officer of the accusation, the action taken and advise him/her to seek counsel.
- 4.7.4 Where a supervisory officer has been removed, the director of education shall inform the other supervisory officers that the person has been



reassigned.

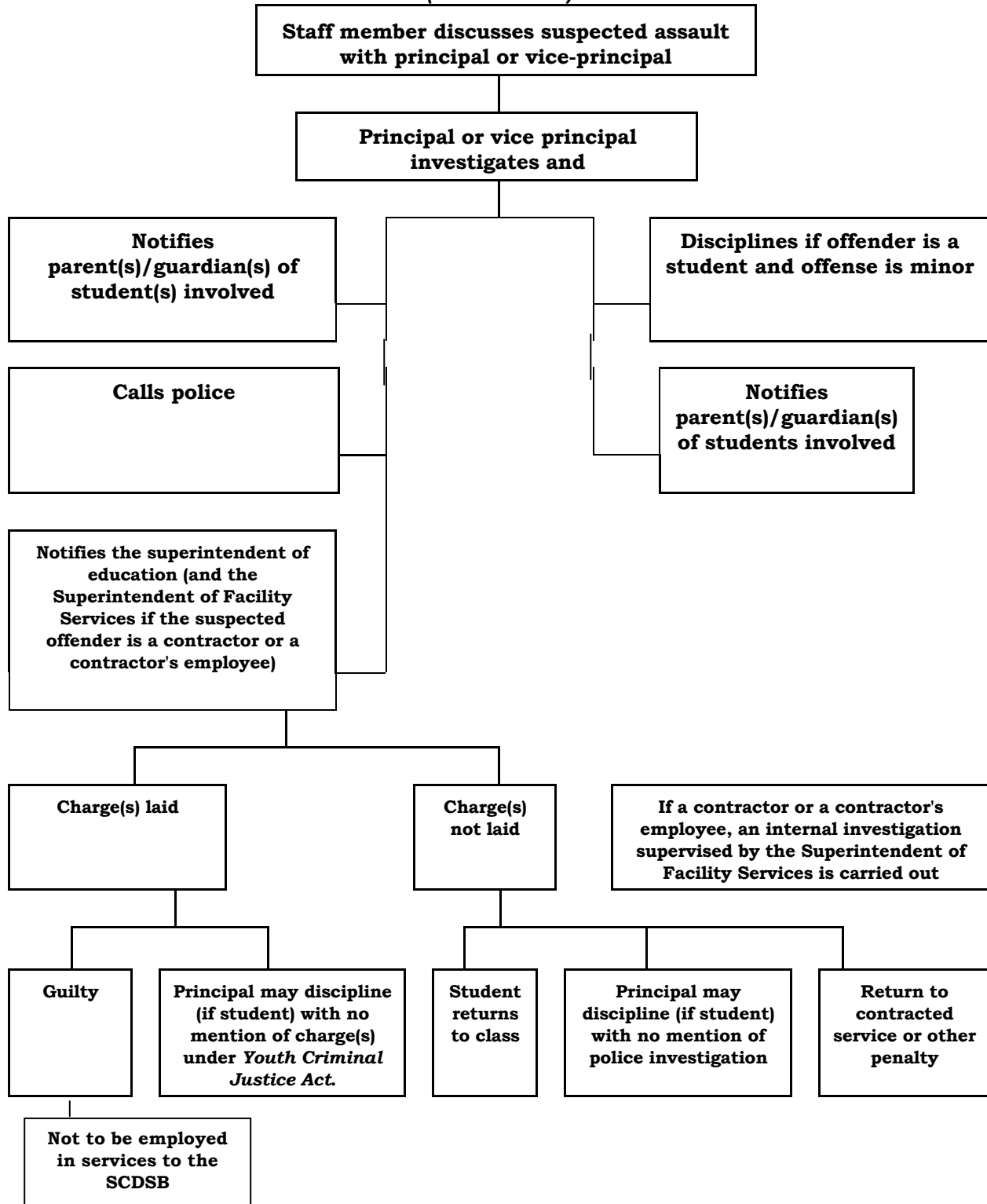
5. Referral to the Ontario College of Teachers

Where the suspected offender is a member of the Ontario College of Teachers and there is a finding of abuse by the Children's Aid Society or the person is found guilty of abuse or assault in respect of a student, or as considered warranted as a result of an internal investigation, the matter shall be reported to the Ontario College of Teachers.

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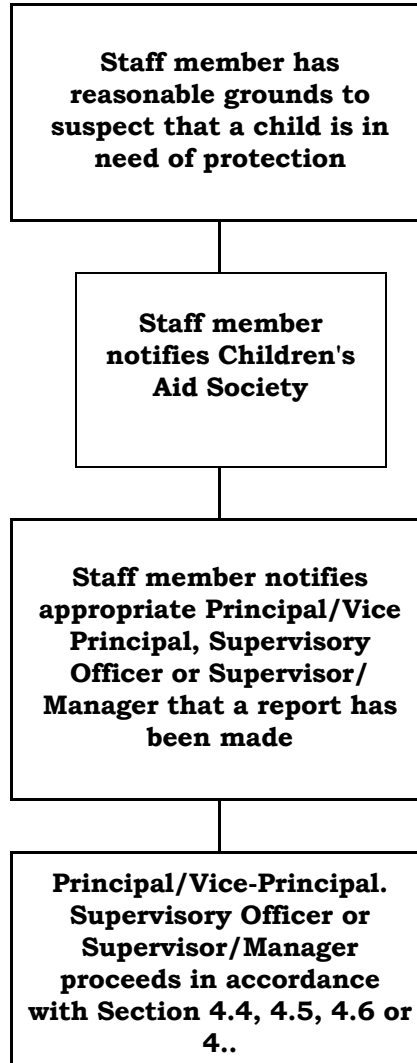
Issued under the authority of the Director of Education

CHILD ABUSE REPORTING PROCEDURES
(When Accused is Not a Caregiver and Not a Staff Member
e.g. a Student or Contractor or a Contractor's Employee)
(See Item 4.2)





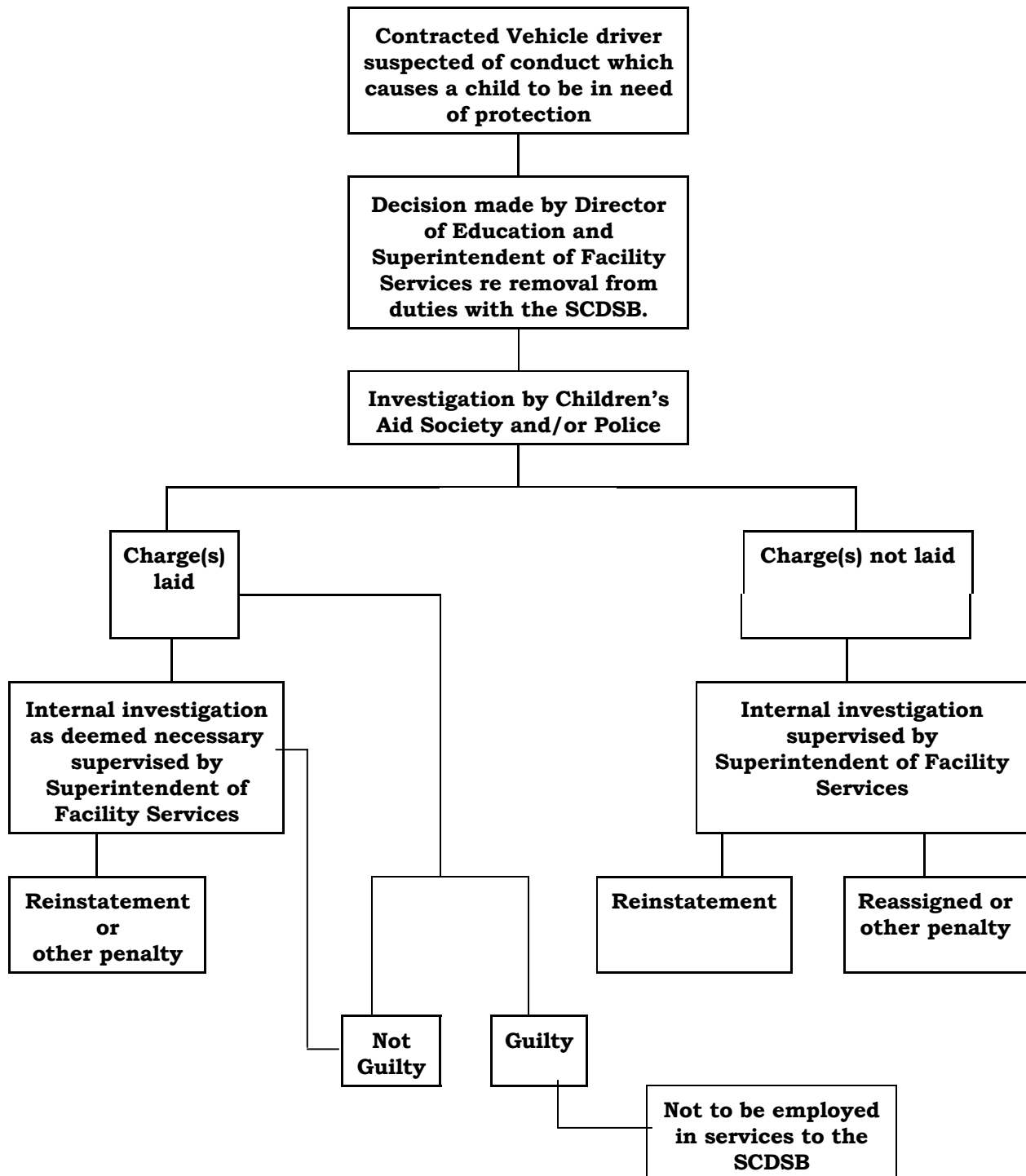
CHILD ABUSE REPORTING PROCEDURES
(When Accused is a Caregiver but Not a Staff Member)
(See Item 4.3)



CHILD ABUSE REPORTING PROCEDURES
(When Accused is a Contracted School Vehicle Driver)

NOTE: Children's Aid Society has been contacted and Superintendent of Facility Services has been notified.

(See Item 4.4.3)
(See also Appendix B)



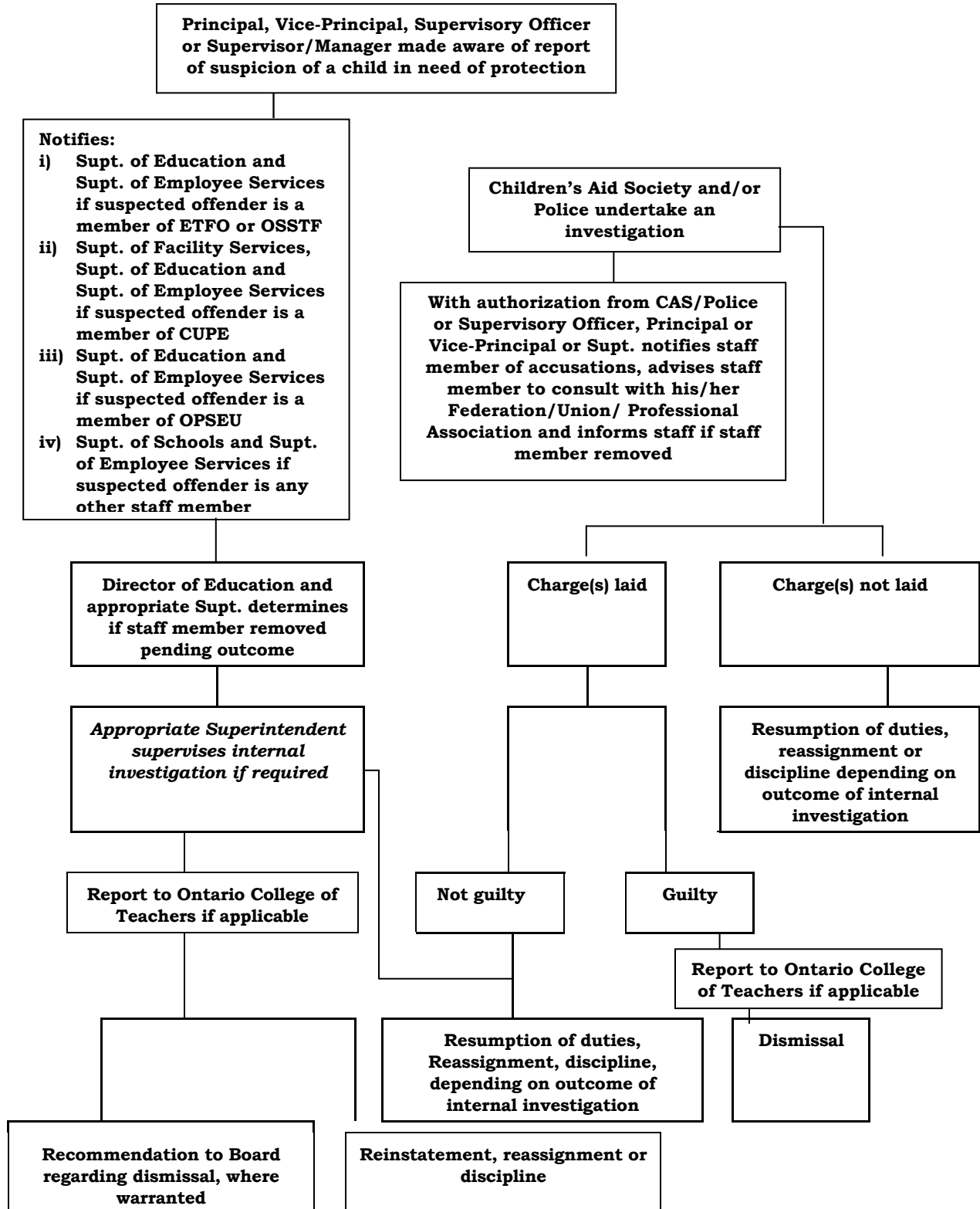


CHILD ABUSE REPORTING PROCEDURES

(When Accused is a Staff Member)

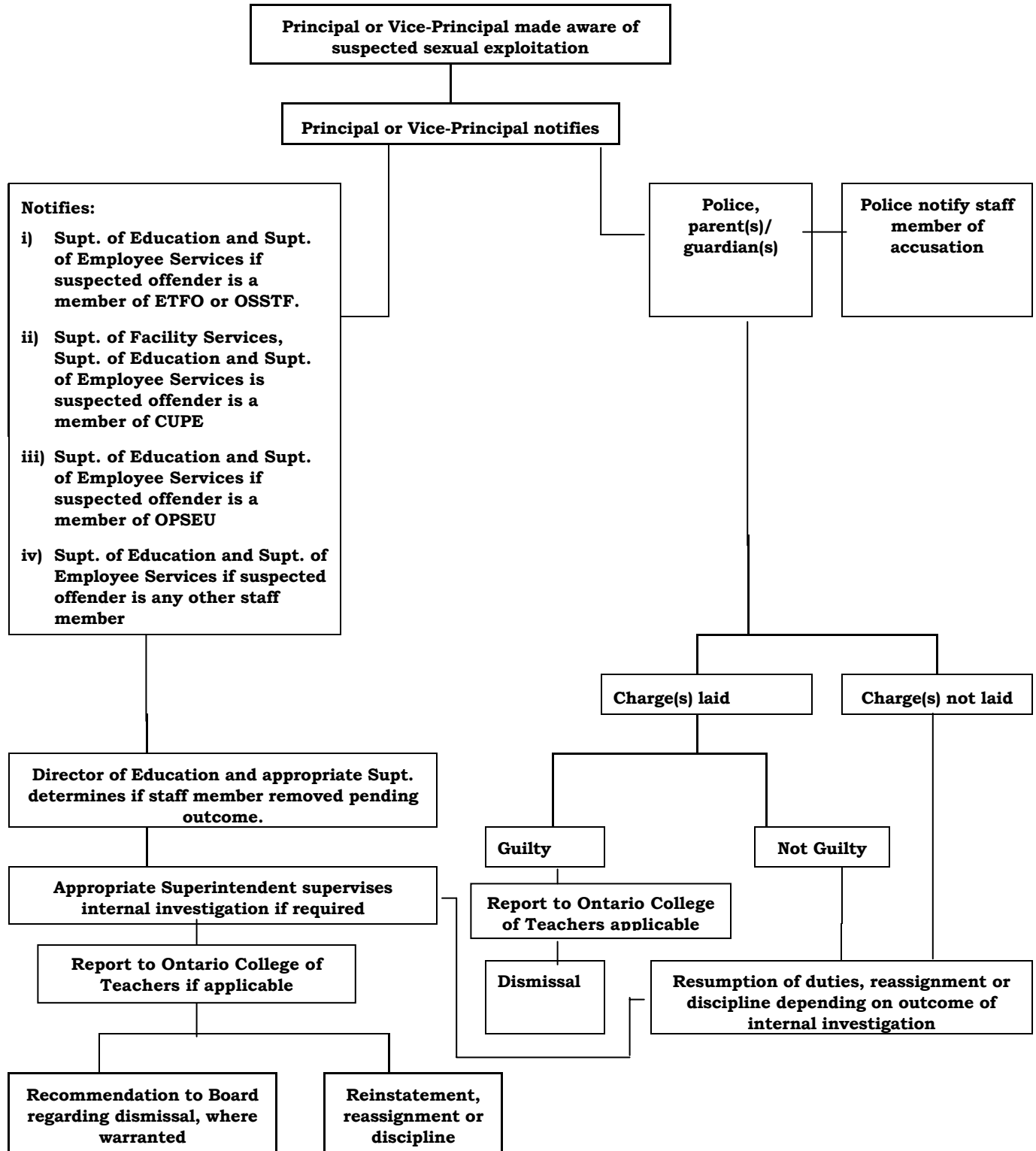
(See Items 4.3 and 4.5, 4.6 or 4.7)

(See also Appendix B)





ASSAULT/EXPLOITATION REPORTING PROCEDURES
(involving 16 and 17 year old students)
(When Accused is a Person in a Position of Trust or Authority)





SUPPORT PROCEDURES

FOR

SCHOOL INVOLVEMENT

WITH

SIMCOE COUNTY CHILDREN'S AID SOCIETY

Simcoe County District School Board
Simcoe Muskoka Catholic District School Board
Ontario Provincial Police
Simcoe County Children's Aid Society

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Resources:

- Directory of Simcoe County Children's Aid Society
- Directory of Simcoe County OPP
- Directory of Simcoe County District School Board
- Directory of Muskoka Catholic District School Board

1.

INTRODUCTION

A successful response to the likelihood that a child may be in need of protection requires the collaborative action on the part of all involved professionals.

The collaborative communication between the Simcoe County Children's Aid Society and the Simcoe County school boards is especially important as it relates to the process for conducting child abuse investigations within the school setting.

Because of their daily contact with school-aged children, school employees are well qualified to report their suspicions that a child may be in need of protection. Therefore, it is important we have a step-by-step, user-friendly document to assist school personnel on how to report their suspicions.

Consequently, a committee was formed which consisted of the Simcoe County District School Board, the Simcoe Muskoka Catholic District School Board, the Ontario Provincial Police and the Simcoe County Children's Aid Society to develop a user-friendly document.

It is our aim this document be helpful and assist those involved to have a better understanding of each other's roles and responsibilities and provide a process that is supportive to families and school communities.

It is also our aim that this process encourage ongoing dialogue between school personnel and the Society especially as it relates to any improvements to the process of investigating the likelihood a child may be in need of protection.



2.

STATEMENT OF PRINCIPLES

- The Simcoe County Children's Aid Society and the school boards will work as a team of professionals to protect and support children with respect to their mandates and jurisdictions.
- The primary objective of any intervention is to protect and support the child and to do no harm to the child.
- Sound judgment and careful consideration of all the relevant facts are essential.
- A successful response to a child abuse maltreatment requires collaborative action on the part of all professionals involved and a process that educates and communicates one another's roles more clearly.
- An effective response is a caring and collaborative process that enables the tasks to be effective in addressing the needs of children while at the same time supporting community relationships.
- To recognize, wherever possible, services to children and their families be provided in a manner that respects cultural, religious and regional differences.
- Early detection and prevention provide the ultimate keys to ending child maltreatment and its destructive consequences.

3.

DUTY TO REPORT PROTOCOL

The **Child and Family Services Act, 72(1)** states that:

(1) “Despite the provision 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:

* a health care professional, including a physician, nurse, dentist, pharmacist and psychologist; 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 (does not include a volunteer); a peace officer and a coroner; a solicitor, a service provider and an employee of a service provider.

** a child is any person under the age of 16

*** same day and in timely manner e.g. prior to child’s return home for lunch or end of school day

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 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 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.



4.

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 a risk 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 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 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 year old and has killed or seriously injured another person or caused 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 on more than one occasion injured another person 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.



5.

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 on his or her behalf.

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.

Any professional who fails to report his/her suspicions of child abuse to a Children's Aid Society is liable on conviction to a fine up to \$1,000 – C.F.S.A.[85(1)(b)]. No action for making the report shall be instituted against a person who acts in accordance with Section 72(3) unless the person acts maliciously or without reasonable grounds for his/her belief or suspicion C.F.S.A.[72(7)].

REMEMBER...

- **IT IS YOUR DUTY TO REPORT**
- **IT IS THE CHILDREN'S AID SOCIETY (AND IN SOME CASES THE POLICE) RESPONSIBILITY TO INVESTIGATE ALL REPORTS OF CHILD PROTECTION AND TO DETERMINE IF THE CHILD PROTECTION CONCERNS HAVE BEEN VERIFIED**
- **WHEN IN DOUBT ABOUT WHETHER YOU HAVE REASONABLE GROUNDS TO REPORT CHILD PROTECTION, CONTACT AN INTAKE WORKER AT THE CHILDREN'S AID SOCIETY (See directory which is part of your package)**
- **WHEN THE REPORT INVOLVES A SCHOOL EMPLOYEE AS THE ALLEGED OFFENDER, CONTACT THE APPROPRIATE SUPERINTENDENT AS PER SCHOOL BOARD POLICIES AND PROCEDURES IN ADDITION TO THE STEPS IN THIS DOCUMENT**
- **AS SOON AS SCHOOL PERSONNEL HAVE INFORMATION TO SUSPECT CHILD MALTREATMENT, THEN CONTACT THE SIMCOE COUNTY CHILDREN'S AID SOCIETY TO REPORT AND DISCUSS THE SITUATION AND ANY FURTHER DIRECTION. SCHOOL PERSONNEL ARE NOT TO DO AN INVESTIGATIVE INTERVIEW AS THIS CAN JEOPARDIZE THE SOCIETY'S INVESTIGATION**

6.

CHILDREN'S AID SOCIETY REPORTING GUIDELINE

“PROCESS....”

A number of forms have been developed for your convenience. These forms are referenced in the process which is described below. Schools may choose not to use the forms. The forms are available, however, to provide a guide regarding what information is required.

1. **When in doubt**....you may just want to consult with the Simcoe County Children's Aid Society. If so, call the Children's Aid Society's Intake Department at (705)726-6587 and complete **Report to Children's Aid Society Form (pg. 8)**. At the conclusion of this conversation, the intake worker will indicate whether it is likely that the Society will be conducting an investigation or whether the school should continue documenting concerns with no immediate investigation. The Children's Aid Society staff person must confirm this decision with a supervisor. If after consultation with the supervisor, the decision is different from the initial decision, the intake worker will call back the person making the report or the principal. **Note:** Even if a decision is made not to conduct a full investigation, the school personnel calling the Children's Aid Society will be encouraged to provide identifying information about the family/child being discussed. This information allows the Children's Aid Society to conduct database searches on the name to ensure a pattern of concern is not emerging.

If an immediate investigation is to be conducted, the school will be required to...

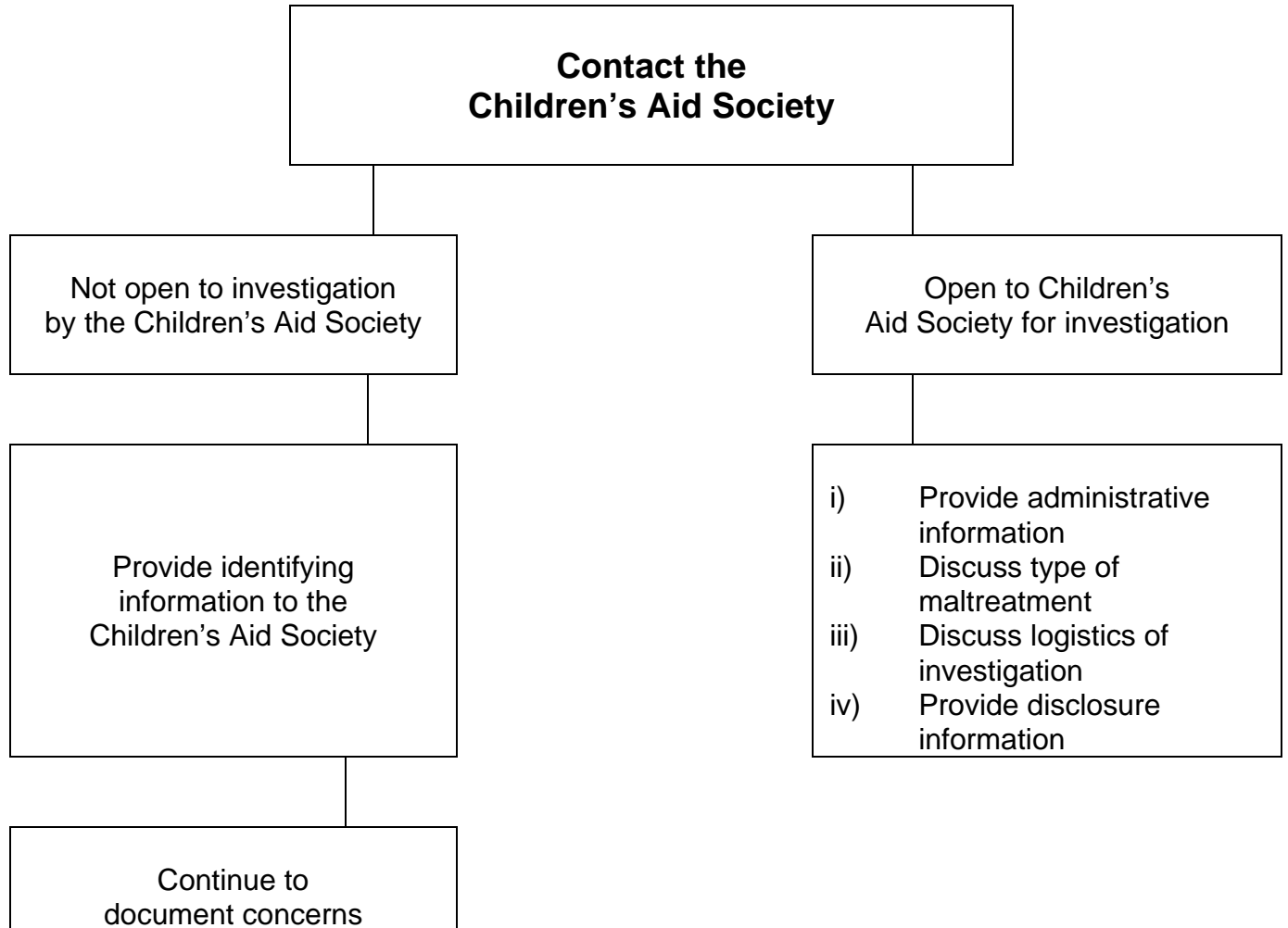
2.
 - (i) Provide Administrative Information
 - (i) Discuss the Type of Alleged Maltreatment
 - (ii) Discuss the Logistics of the Investigation
 - (iii) Provide Actual Disclosure Information

*“The **Reporting Guideline Form (pg. 9)** may be used to jot down your answers to (i), (ii), (iii), and (iv) during your conversation with Society social worker.”*

3. You will be encouraged to give your name and identifying information. The Children's Aid Society will encourage you to permit the CAS worker to share with the family, that the referral source is the school. The Society does act on referrals where the referral source is either anonymous or does not want to be identified to the family. In cases where the referral source is a professional, a community partner, the CAS refers that referral sources allow themselves to be identified. This reflects a shared community responsibility for the safety and well-being of children.
4. In the spirit of teamwork and community partnership, the Simcoe County Children's Aid Society will be sensitive to the School's concerns about student well-being during the investigation and whether there are any safety issues with respect to school personnel as a result of the referral.

7.

FLOW CHART





8.

CONFIDENTIAL

REPORT TO CHILDREN’S AID SOCIETY FORM

Do Not Place This Form in Student’s O.S.R.

STUDENT’S NAME: _____ DATE OF BIRTH: _____

PRINCIPAL/STAFF MEMBER’S NAME CONTACTING C.A.S. _____

DATE OF CONTACT _____

NOTES FROM CONSULTATION WITH CHILDREN’S AID SOCIETY

C.A.S. SOCIAL WORKER’S NAME _____

RESPONSE: IT IS EXPECTED THAT:

- C.A.S. will not become involved and school will continue to document
- Children’s Aid Society to become involved – Proceed to completion of **Reporting Guidelines Form (pg. 9)** enclosed in your Protocol Package.

Note Should the decision of Children’s Aid Society upon internal review, be different from the response noted above, the Social Worker will advise the school.

Signature(s) of School Personnel Consulting with
Simcoe County Children’s Aid Society



9.

CONFIDENTIAL

REPORTING GUIDELINES FORM

Do Not Place This Form in Student's O.S.R.

(i) ADMINISTRATIVE INFORMATION

Victim(s)	Address	Phone #	D.O.B.	Parent(s)/ Guardian(s)	P/C's Address
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Family Dr. (If Known) _____ Cultural Issues _____

Special Needs _____ Interpreter Needed: Y /N Who is Calling Family? _____

(ii) TYPE OF ALLEGED MALTREATMENT

Physical or Sexual Maltreatment by

Primary _____; Assigned _____; Assumed _____; Family Member as Caregiver _____;
Family Member Not a Caregiver _____; Not a Family Member - Not a Caregiver _____
(*See Definitions as follows*)

DEFINITIONS

Primary Caregiver: Mother, Father, Step-Father, Live-In Partner, Caregiver exercising access contact, adult with a custody and control order for the child in question, foster parent, etc.
Assigned Caregiver: Daycare worker, babysitter, a family member providing temporary substitute care, a partner of the caregiver (with no legal relationship to the child, school volunteer), etc.
Assumed Caregiver: Any person employed by the Board is an assumed caregiver: teacher, recreational group leader, school bus driver, education assistant, secretary, custodian, etc.
Family Member as Caregiver: Grandparent, Aunt, Uncle
Family Member – Not a Caregiver: Sibling
Not a Family Member – Not a Caregiver: This section would be scored as a Report Received – Not Investigated meaning that the family or community colleague did not receive a child protection service beyond a description of what services may be available through the agency or elsewhere in the community.



10.

CONFIDENTIAL

Harm by Omission

Inadequate Supervision _____; Neglect of Basic Needs _____; Child's Physical Health _____; Child's Mental, Emotional or Developmental Condition _____; Child Under 12 Committed Serious Act _____

Emotional Harm

Caregiver(s) caused and/or response to child's emotional harm or risk of emotional harm

Abandonment/Separation

Orphaned/Abandoned Child _____; Caregiver(s)/Child Conflict _____; Child(s) Behaviour _____

Caregiver(s) Capacity

Caregiver(s) history of abusing/neglecting _____; Caregiver(s) inability to protect _____; Caregiver(s) with a Problem _____; Caregiver(s) caregiving skills _____

Other

(iii) LOGISTICS OF INVESTIGATION

Location of the Interview _____

Can school provide a private Interview Room? Yes /No

Will Society Social Worker have identification upon arrival? Yes /No

Does school have any **Report to Children's Aid Society Form(s)**? Yes /No

Has **Disclosure Question Form (pg. 11)** been completed (enclosed in your Protocol pkg.) Yes /No

It is the responsibility of the Social Worker to notify the parents or guardian if the removal of a student has been necessary. This notification is to be no later than the student's regular arrival time at home at the close of the school day (or, where applicable, at noon).



11.

CONFIDENTIAL

DISCLOSURE QUESTIONS FORM (Add extra sheets if necessary)

****Do Not Place This Form in Student's O.S.R.****

STUDENT'S NAME _____ DATE OF BIRTH: _____

NAME OF PERSONNEL COMPLETING FORM: _____

1. How did you become aware of this situation? _____

2. What did the child say to you? _____

3. Describe any injuries (Note location, size and colouring). _____

4. Describe observable behaviours of concern _____

5. Other comments/information _____



REPORTING REQUIREMENTS

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 information, even if that person has reported previous information about the same child and family. The duty to report cannot be delegated.

WHAT TO REPORT

- A. If you have reason to suspect that a child:
- has suffered physical or sexual harm as a result of an act of a caregiver
 - has been harmed as a result of a caregiver's failure to provide adequate care for, supervise or protect the child
 - has been emotionally harmed as a result of
 1. specific behaviours of a caregiver
 2. a pattern of neglect of a caregiver towards the child or
 3. the caregiver failing to adequately address the child's emotional condition
 - has been abandoned as the result of intentional or unintentional actions of a caregiver
- B. If you believe there is a risk that a child is likely to suffer any of the above.
- C. If a caregiver has a history of abusing or neglecting a child.
- D. If a caregiver is unable to protect a child.
- E. If a caregiver has a problem which interferes with his/her ability to adequately parent – e.g. substance abuse, mental illness.
- F. If a caregiver lacks adequate parenting skills.
- G. If a child under the age of 12 harms another person or an animal.
- H. If a child under the age of 12 does serious damage to property.

If at any time you're unsure about whether or not you should make a report, please call the Children's Aid Society to consult with an Intake Worker.

Simcoe County Children's Aid Society
705-726-6587 or 1-800-461-4236



What can the public expect of the CAS?

The law governing Children's Aid Societies in Ontario has changed. These changes will affect children and families who are involved with the CAS. Changes will allow for:

- more involvement with children suffering emotional abuse and neglect
- quicker responses by the CAS
- decisions regarding permanent planning for young children in CAS care to be made within 12 months of the case first being opened.
- records of all calls to the CAS will be used as cumulative evidence - and that can make the difference as to whether the CAS becomes involved with a family.

Your action could save a child's life.

Every Person

who has reason to suspect that a child is in need of protection must immediately report that suspicion and the information upon which it is based to a Children's Aid Society.

If you have concerns about a situation involving a child and/or family, call the local branch of the Simcoe County CAS:

- Barrie: 726-6587 or 1-800-461-4236
- Alliston: 435-4348
- Bradford: 775-4336
- Orillia: 325-1005
- Collingwood: 444-9160
- Midland: 526-9341

Reach
out . . .



Help a
child

Simcoe County
Children's Aid Society
60 Bell Farm Road, Unit 7
Barrie, ON
L4M 5G6



What you should know about the new Child and Family Services Act (CFSA):

Duty to report: Amendments to the CFSA are intended to better protect our communities children.

The "Duty to Report" section of the CFSA has changed to encourage more reporting by professionals and members of the general public. Every person must report to a Children's Aid Society when they have "reasonable grounds to suspect" that a child is in need of protection.

You must call the CAS immediately if any of the following are true:

- you suspect that a child has suffered physical or sexual harm as a result of a caregiver's actions
- you suspect that a child has been harmed because a caregiver failed to provide adequate care, supervision or protection
- you suspect a child has been abandoned by a caregiver - willfully or unintentionally
- you suspect a child has been harmed emotionally because of a caregiver's specific behavior, a pattern of neglect or the failure of a caregiver to take care of the child's emotional needs.
- you suspect a child is at risk or likely to suffer physical, sexual or emotional harm.
- you suspect that a caregiver is unable to protect a child.
- you suspect that a caregiver has a problem that interferes with his/her ability to parent. Problems might include drug or alcohol abuse or mental illness
- you suspect a caregiver lacks adequate parenting skills.
- a child under 12 commits a serious act such as hurting another person or animal
- a child under 12 causes serious damage to property.

**A caregiver is the person who is in charge of the child. This may be a parent, guardian, babysitter, teacher, coach or other professional.*

No action for making the report shall be instituted against a person who acts in accordance with the CFSA, unless the person acts maliciously or without reasonable grounds for his/her belief or suspicion.

Every person's "duty to report" is an ongoing responsibility

The duty to report doesn't end after the first phone call. Amendments to the CFSA clarify that this duty is an ongoing one. For example, someone who call a CAS on a Monday with a concern for a child must call again if they learn new information on another day.

Don't delegate

The duty to report suspicions of a child in need of protection is a direct responsibility for the person with information. The duty to report cannot be delegated to another individual.

Any professional who fails to report his/her suspicions that a child needs protection is liable on conviction to a fine of up to \$1,000.

If you're not sure, call your Children's Aid Society and talk to an Intake Worker. We are here to help.

Reporting Child Abuse and Neglect

Introduction

Ontario's *Child and Family Services Act (CFSA)* provides for a broad range of services for families and children, including children who are or may be victims of child abuse or neglect.

The paramount purpose of the Act is to promote the best interests, protection and well being of children.

The Act recognizes that each of us has a responsibility for the welfare of children. It states clearly that members of the public, including professionals who work with children, have an obligation to report promptly to a children's aid society if they suspect that a child is or may be in need of protection.

The Act defines the term "child in need of protection" and sets out what must be reported to a children's aid society. This definition(CFSA s.72(1)) is set out in detail on the following pages. It includes physical, sexual and emotional abuse, neglect and risk of harm.

Appendix I summarizes reporting responsibilities under Ontario's *Child and Family Services Act*. It is not meant to give specific legal advice. If you have questions about a given situation, you should consult a lawyer or the children's aid society.

Responsibility to report a child in need of protection **CFSA s.72(1)**

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.

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.

Child and Family Services Act
CFSA s.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 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 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 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 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 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.

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 judgement, 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)***

Persons who perform professional or official duties with respect to children include the following:

- health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- teachers, and school principals;
- social workers and family counsellors;
- priests, rabbis and other members of the clergy;
- operators or employees of day nurseries;

- youth and recreation workers (not volunteers);
- peace officers and coroners;
- solicitors;
- service providers and employees of service providers; and
- any other person who performs professional or official duties with respect to a child.

This list sets out examples only. If your work involves children but is not listed above, you may still be considered to be a professional for purposes of the duty to report. If you are not sure whether you may be considered to be a professional for purposes of the duty to report, you should contact your local children's aid society, professional association or regulatory body.

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. (The only exception for "privileged" information is in the relationship between a solicitor and a client.)

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.



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.

All the children's aid societies/family and children's services have emergency service 24 hours a day, so that you can call anytime.

For more information

Contact your local children's aid society or family and children's services. If you suspect that a child is or may be in need of protection, contact a children's aid society immediately. Your co-operation is vital to making Ontario's child protection system work.