



DUTY TO REPORT CHILDREN IN NEED OF PROTECTION

Procedures

Refer to NEOFACS-School Boards Child Protection Investigations Joint Protocol

Appendices

Appendix A: Principal's Checklist

Appendix B: Report of Child(ren) in Need of Protection

Appendix C: Possible Indicators of Abuse that a Child is in Need of Protection

References

Child, Youth and Family Services Act, Section 125, 2017

Policy/Program Memorandum 9: Duty to Report Children in Need of Protection

Child Protection Investigations A Joint Protocol

between

**NORTH EASTERN ONTARIO FAMILY AND CHILDREN'S SERVICES
(NEOFACS)**

and

**CONSEIL SCOLAIRE CATHOLIQUE DE DISTRICT DES
GRANDES-RIVIÈRES**

and

DISTRICT SCHOOL BOARD ONTARIO NORTH EAST

and

NORTH EASTERN CATHOLIC DISTRICT SCHOOL BOARD

and

CONSEIL SCOLAIRE PUBLIC DU NORD EST DE L'ONTARIO

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1. Introduction

This protocol is designed to provide a collaborative response in the undertaking of child protection, abuse/neglect investigations. The protocol represents the best efforts of the systems to respond as effectively and compassionately as possible, as it relates to the process for conducting child abuse investigations within the school setting.

This protocol is consistent with the Ontario Child Protection Standards (2016) and The Ontario Differential Response Model of child protection intervention. Both are guided by the *Child, Youth and Family Services Act, 2017 (CYFSA)*.

The protocol will ensure that the fulfillment of mandated requirements for all investigations involving children is facilitated by:

- a. Providing for appropriate sharing and disclosure of information
- b. Emphasizing the importance of joint process for consultation and collaboration
- c. Emphasizing the importance of partnership in the safety of children; and
- d. Respecting requirements of all systems.

North Eastern Ontario Family and Children's Services (here known as the Society) and the School Boards recognize the importance of ongoing dialogue to have a better understanding of roles and responsibilities in order to provide a process that is supportive to children, families, school personnel and the community.

2. Child Abuse/Maltreatment Reporting Procedures Protocol

The paramount objective of the CYFSA is to promote the best interests, protection and well-being of children between the ages of 0 to 17. Principals, vice-principals, teachers and school board employees have a duty to report a suspicion that a child under the age of 16 years is in need of protection by the Society. The Duty to Report is clearly defined by Section 125 of the CYFSA and includes clear direction that:

- a. School administrators, teachers and staff must report their suspicions directly to the Society for any child under the age of 16 years. This responsibility cannot be delegated.
- b. There is an on-going duty to report.
- c. The duty to report applies to any child who is or appears to be, under the age of 16 years. However, school personnel who are concerned that a 16- or 17-year-old is or may be in need of protection may, but is not required to, make a report to the society and the society is required to assess the reported information.

It is important that Principals, Vice-Principals, Teachers and designated Early Childhood Educators, as well as Educational Assistants and School Board employees, review the changes to the Child Abuse Reporting Procedures Protocol in order to fully understand the scope of their duties under the CYFSA.

3. Statement of Principles

This document is designed to provide a coordinated response to the statutory obligation to report a suspicion of child abuse maltreatment to the Society by the District School Boards.

The principles and requirements contained herein are intended to direct members of all involved agencies in carrying out their statutory obligations and responsibilities with a spirit of goodwill and co-operation to the ultimate benefit of our community and its children who are its future resource.

- a. All children, regardless of race, religion, class, age, gender, and ability have basic human rights and in particular, the right to special protection and freedom from all forms of violence.
- b. Our primary objective of intervention is to protect the children from harm and if harmed, the right to immediate support and treatment.
- c. All services to children and their families must strive to reflect in their delivery the cultural, ethnic, linguistic and racial diversity of our community.

Preamble

The CYFSA recognizes that people working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions. Teachers and other school personnel, unlike many professionals, have the unique opportunity to observe children over extended periods of time. Not only do they see the children during the regular school day, but they also have a panoramic view of them based on weeks and months of observation. Teachers and other school personnel see the living, developing, acting, and reacting child over time. This places them in a unique position to help identify a child at risk of physical/emotional, sexual abuse and/or neglect. Identification, clear documentation and early referral are important for three reasons:

- a. Legal obligation under the law to do so.
- b. The child may be protected from further maltreatment.
- c. Existing injuries may be treated.

It should be remembered that reporting a case of child abuse, such as a child at risk of physical/emotional, sexual abuse and/or neglect is required by law. When a report is made in good faith, the law protects the person who reports the incident from civil or criminal liability. Seeking the assistance of professionals in other areas of specialization is one of the highest forms of professionalism. Identification, assessment and treatment of abused children and their families are a multidisciplinary enterprise, and anything less may serve only to put children into further jeopardy.

Failure to report can result in legal charges against the professional who had the information. A referral of protection is to be made to the Society in accordance with Section 125 of the CYFSA.

It must be remembered that it is not the responsibility of school personnel to prove that the child has been a victim of maltreatment. **Only** the suspicion of a child from physical/ emotional, sexual abuse

and/or neglect is required for a report. Principals must review the duty to report as legislated in the CYFSA with all staff at the beginning of every school year.

4. Procedures for Reporting Suspicions of Child Maltreatment

How to Contact the Society:

Between the hours of 8:30 a.m. and 4:30 p.m., anyone reporting child protection concerns should contact 705-360-7100 and ask to speak to an Intake Worker. This worker will take the information and all grounds for suspicion. It is imperative that the information be as detailed as possible.

Between the hours of 4:30 p.m. and 8:30 a.m., and 24 hours on weekends, contact the Agency at 705-360-7100 to report child protection concerns. Press 0 to reach an operator who will have an after-hours child protection worker respond to your call.

In a situation when the abuse and/or neglect appears to have originated within a family, and/ or by someone in a caregiving role, no action shall be taken by school personnel to inform the parent(s)/caregiver(s) that a referral has been made to the Society or that an investigation is in progress. It will be the responsibility of the Society to notify the parent(s)/caregiver(s).

The Society, in accordance with the *Ontario Child Protection Standards (2016)*, will respond to all referrals requiring intervention within twelve (12) hours or up to seven (7) days, depending on the level of risk to the children. Where a child may be at imminent risk, a 12-hour response time is necessary.

Step 1: The School Board employee must contact the Society forthwith to report the child protection concerns, this responsibility cannot be delegated.

Step 2: If requested by the School Board employee making the referral, the Society can advise if an investigation will be commenced.

Step 3: The School Board employee must notify the Principal, who notifies the Superintendent of Schools, by telephone, that a suspicion of abuse has been reported to the Society, unless the allegations involve these school board employees.

5. Investigation of Child Maltreatment

It is the responsibility of the Society and, if necessary, the Police to investigate reports of abuse or neglect. School personnel who suspect that a child is or may be in need of protection will not conduct an investigation and shall question the child only to clarify the nature of the complaint.

- a) Any personal interview or physical examination of the child by a School Board employee should be through observation or by discussion with the child during the normal school routine. (Avoid leading questions, which may interfere with the subsequent investigation.)
- b) A child should never be asked to remove clothing that is part of normal indoor attire.

- c) The Society will conduct detailed interviews and seek a medical examination, if so warranted, during the course of its investigation.
- d) Only Society personnel or the Police have the authority to remove a child from the school without the parent(s) permission.
- e) During the course of an investigation, personal information should be treated as confidential and not be disclosed between parties involved in the allegation.

Requests for Student Personal Information

- a) Throughout the course of an investigation the school board and/or school may be contacted by the Society to obtain information which may include confirming the child's registration, attendance at the school, obtaining an address to locate the family, the name of the emergency contact number, etc.
- b) Requests for student personal information must be made in writing. This allows for proper logging of the information requests.
- c) Requests are to be made to the Superintendent or designate. Urgent requests may be followed-up by telephone.
- d) All requests for student personal information must identify under what authority the request is being made, and what information is requested by the Society.
- e) If there is a warrant, then it is to be identified.
- f) If there is an urgent issue of child safety but no warrant, then the Society will share that the child is in imminent danger.
- g) Each request for personal information will be reviewed when submitted and a determination made depending on the circumstances of the specific request.
- h) Should the school decide they are not able to provide the requested information, this will be reviewed at a Senior Management level for resolution.

Investigations on School Premises

There may be cases where the Society receives a referral of child abuse or neglect from someone outside of the school system and, in order to initiate their investigation, must interview the alleged child victim while he/she is in attendance at school. In such cases:

- a. The Society shall give notice to the school Principal or designate in advance of their intent to visit and to interview the alleged child victim in the school setting and shall create the least possible intrusion in contacting the child in the school setting. The discussion will include the following information:

- i. That the Society/Police are investigating a case of alleged abuse/maltreatment with respect to a child;
 - ii. That such an interview may take place within the school; and
 - iii. That the Society/Police intend to interview the child with or without the parent(s) knowledge.
- b. Upon arrival at the school, the Child Protection Worker(s) will meet with the Principal or designate and provide proper Society identification. The Child Protection Worker(s) will interview the child and possibly the child's siblings. The Society is responsible to determine how the parent(s) will be contacted before the child is released from school. The Child Protection Worker(s) shall notify the Principal or designate of the decision to release the child from the school.
- c. While the child is in the school, and until the parent(s) is/are notified, a support person (i.e., a Teacher, Educational Assistant, Principal or Vice-Principal) may remain available to render assistance to the child and the Child Protection Worker(s), if requested by the investigating Child Protection Worker(s), and/or Police as the case may be.
- d. In the event that the child will be detained beyond the usual arrival time to her/his home, either the Child Protection Worker and/or the Police Officer will inform the parent(s) forthwith.

The Child Protection Worker will advise the school should it be anticipated that the child will be absent during and/or after the investigation and/or if the child is brought to a place of safety. Further, the Child Protection Worker is not able to share any details of the investigation or of the outcome unless the parent(s)/caregiver(s) have signed consents to do so.

6. Investigation of School Board Employees

When applied to the school system, "a child in need of protection" involves any physical, sexual, or emotional abuse or neglect of children within the school system by an employee of that system.

When such an incident comes to the attention of a School Board employee, the employee shall forthwith report the incident to the Society as well as notify the Principal/immediate supervisor if appropriate. This will ensure that the professional involved complies with the mandatory reporting provisions in accordance with section 125 of the CYFSA.

As in the case of all other forms of child abuse, all cases of "a child in need of protection" with any School Board which any Board employee believes or suspects on reasonable grounds, together with the information upon which it is based, must be reported forthwith by the employee with the first-hand information to the Society. Failure to report is an offence under Section 125 (5) of the CYFSA.

The Society is responsible for conducting the investigation of the allegations. This investigation may be done jointly with the Police, depending on the nature of the referral. While it is important that the principal not do anything to prejudice the Society investigation, it is also important that the Society recognizes and respects the principal's obligations under the Education Act.

Notification

Prior to initiating an investigation, the Society will notify and provide the respective Superintendent with notice that an investigation involving a staff member is required. Further, the Director of Child Welfare Services or designate will contact the Superintendent of Human Resources to provide verbal notification regarding the investigative process.

The Society will communicate with the alleged offender directly to advise of the investigation. The School Board will encourage the School Board employee to attend and cooperate with the interview with the Society with the support of his/her union and/or legal representation.

At the conclusion of the investigation, the Society is responsible to notify the child alleged to be in need of protection, the caregiver(s) of the child, and the staff member alleged to have caused the child protection concerns of the outcome of the investigation. Further, the Director of Child Welfare Services or designate will advise the respective Superintendent and/or designate verbally followed by written notification of the outcome of the investigation, including information as to whether or not the allegations were verified. It is not the role of the Society to advise the Superintendent as to what specific action should be taken with regard to a verified allegation.

Should the investigation go beyond 14 calendar days, the Director of Child Welfare Services or designate will contact the Superintendent and/or designate advising of the delay and the steps required to complete the investigation.

7. Definitions

Child

A person under the age of 18 years.

Child in Need of Protection

A person under the age of 18 who meets one or more descriptions of a child in need of protection under the CYFSA.

Caregiver

a. Primary caregiver:

Mother, father, live in partner, caregiver exercising access contact, adult with a custody and control order for the child in question, foster parent.

b. Assigned caregiver:

Daycare worker, babysitter, a family member providing temporary substitute care, a partner of a caregiver (with no legal relationship to the child).

c. An assumed caregiver:

Teacher, administrator, early childhood educator, children's recreational group leader, educational assistant, school bus driver, clergy.

- d. **Kinship caregiver:** Member(s) of the child's extended family or community who may be able to provide an alternative placement in the event that a child is deemed in need of protection and is unable to reside with their parent(s) or guardian.

Joint Investigation

An on-going investigation is being conducted by the Police Service and the Society into allegations of child maltreatment relating to the same complaint.

Duty to Report

Section 125 of the CYFSA imposes a duty on persons who perform professional or official duties with respect to children between the ages of 0-15 to report forthwith any abuse and that this report be made directly and not through a third party. School personnel who are concerned that a 16- or 17-year-old is or may be in need of protection may, but are not required to, make a report to the society and the society is required to assess the reported information.

Maltreatment

At times maltreatment is referred to as child abuse and neglect and includes all forms of physical and emotional mistreatment, sexual abuse, neglect and exploitation that result in actual or potential harm to the child's safety and well-being.

8. Remember

- a. It is your duty to report – contact the Society at 705-360-7100;
- b. It is the Society's, and in some cases, the Police's responsibility to investigate all reports of child protection and to determine the child protection concerns have been verified;
- c. Only the suspicion of a child from physical/emotional, sexual abuse, and/or neglect is required for a report;
- d. When the report involves a school employee as the alleged offender, contact the appropriate superintendent as per school 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 Society to report and discuss the situation and any further direction.

9. Renewal

The protocol is reviewed jointly on an annual basis.

PRINCIPAL'S CHECKLIST

Date: _____

Re incident involving: _____

In the case of an allegation occurring outside of school

- (Under 16 or already under a child protection order who is 16 or 17 years of age) Ensure the staff member / individual has called the appropriate Children's Aid Society
- (16 or over and not under a child protection order) With the permission of the student, where appropriate, ensure the staff member has contacted the Police
 - If requested, provide a support person for the victim during interviews.
- Within 24 hours, complete Appendix B - *Report of Child(ren) in Need of Protection*.
- Notify the Superintendent of Education

In the case of an allegation – student on another student (for cases involving sexual assault)

- Ensure the children are separated while awaiting arrival of the agency team and/or Police
- (Under 16) Ensure the staff member has reported the allegation to the appropriate Children's Aid Society
- (16 or over) With the permission of the student, ensure the staff member has contacted the Police
 - If requested, provide a support person for the victim during interviews
 - If under 18, immediately inform the parents of the alleged victim
- Within 24 hours, complete Appendix B – *Report of Child(ren) in Need of Protection*.
- Notify the Superintendent of Education

In the case of an allegation involving employees:

- Ensure the immediate safety of the child and other students.
- Notify the Superintendent of Human Resources and consult with them to determine next steps.
- At no time does the principal or designate/fellow employee discuss the allegation about the staff member until specific instructions are received from the Superintendent of Human Resources, the investigating police or agency.
- Record information received, date and sign your notes and cooperate in any investigation that is initiated.
- (Under 16) Notify the parent/guardian of the allegation of abuse but do not identify the employee accused.
- (16 or over) With student's permission, contact the parent/guardian but do not identify the employee accused.
- If requested, provide a support person for the victim during interviews.
- Complete Appendix B - *Report of Child(ren) in Need of Protection*.

Appendix B

REPORT OF CHILD(REN) IN NEED OF PROTECTION

SCHOOL INITIATED

School: _____

Date: _____

Background Information:

Student's Name: _____

Date of Birth: _____

Parent's Name(s): _____

Phone Number: _____

Address: _____

Details of Report:

Date: _____

Reported to: _____

- Kuuwanimano
- North Eastern Ontario Family and Children's Services

Reported to by: _____

Name of Children's Aid Society Worker: _____

Information concerning Suspected Abuse: _____

Signatures:

Employee

Principal/Vice-Principal

Appendix C

POSSIBLE INDICATORS OF ABUSE THAT A CHILD IS IN NEED OF PROTECTION

The following is a direct quote from Section 125(1) of the Child, Youth and Family Services Act:

125(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 immediately report the suspicion and 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 abused or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3.
5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.
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 developmentand 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 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, 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 6 i, ii, iii, iv or v resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, 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 the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

11. The child's parent has died or is unavailable to exercise 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 younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to treatment.
13. The child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.