

Title	CHILD ABUSE AND PROTECTION	Policy No.	
Department	PROGRAM SERVICES		
Reference(s)	- <i>Child and Family Services Amendment Act (Proclaimed March 31, 2000)</i> - <i>Education Act</i> - <i>Ontario College of Teachers Act</i> - <i>Reporting Child Neglect and Abuse Procedure</i>	Effective Date	2000 June 27

It is the policy of the Board that appropriate procedures be in place to ensure a clear and co-ordinated response to child protection issues which include abuse, harassment and employee misconduct.

These procedures will reflect the recognition that the majority of perpetrators in child abuse situations are well known to the child and, therefore, include family members, community volunteers, Board employees and service providers within and outside the school setting.

There will be corresponding procedures relating to hiring, staff training, reporting suspicions of child abuse and neglect, responding to students with special needs, investigating employee misconduct, and co-operating with appropriate investigative agencies. These procedures will support the Board's commitment to a safe, respectful and nurturing environment.

The Board's commitment to a co-ordinated response will also include providing, through its curriculum, programs specifically designed to educate students on personal safety.

Administered By	EXECUTIVE SUPERINTENDENT OF OPERATIONS SERVICES	Board Resolution No.	69-B Rec.7
Amendment Date(s)		Amendment Resolution No.	

Title	REPORTING CHILD NEGLECT AND ABUSE	Procedure No.
Department	PROGRAM SERVICES	
Resource(s)	Attendance & Social Work Services	Effective Date 2000 June 27

Introduction

The protocol developed in partnership with the London and Middlesex Children's Aid Society, the Oxford County Children's Aid Society and the Family and Children's Services of St. Thomas and Elgin County outlines the roles, responsibilities and procedures to be followed in situations where there is a suspicion that a child is in need of protection.

Procedures in the protocol ensure adherence to personal and professional obligations as defined in the Child and Family Services Act and the Education Act. This protocol will outline preferred practices, and support consistency in reporting practices and responses, including internal procedures for school board employees. A consistent, co-ordinated response will offer the best possible protection for the children in our communities.

The procedure will be reviewed with all school staff on an annual basis.

References:

- Child and Family Services Amendment Act (Proclaimed March 31, 2000)
- Education Act
- Ontario College of Teachers Act
- Ontario Ministry of Education Policy/Program Memorandum No. 9 entitled, Child in Need of Protection/Child Abuse Reporting Requirements (1986 December 15)

1.0 General Principles

- 1.1 Children have the right to be protected from neglect and abuse.
- 1.2 All members of a family are affected by child abuse and will be treated by professionals in a manner that is sensitive to their issues.
- 1.3 Addressing child neglect and child abuse is a responsibility shared by many professionals including educators and child protection workers.
- 1.4 Children have the right to be protected from further victimization. The investigation process will be consistent with this principle in regards to procedures such as number of interviews and timing of response.

Administered By:	EXECUTIVE SUPERINTENDENT OF OPERATIONS SERVICES
Date of Last Amendment	

Procedure - Reporting Child Neglect and Abuse - continued

- 1.5 The school system has an important role to play in the prevention and identification of child neglect/abuse and the linking of appropriate services. It is the responsibility of educators to approach the child who may be in need of protection with the same commitment and thoroughness with which they have approached children with learning problems, disabilities and handicaps.
- 1.6 The Thames Valley District School Board, the Children's Aid Society of London and Middlesex, the Children's Aid Society of Oxford County and the Family and Children's Services of St. Thomas and Elgin County have agreed to work co-operatively to address child abuse and neglect and share all information that is relevant to an investigation within legal confines.
- 1.7 Reporting child neglect/abuse will take place **immediately**. The investigation by the Society will take place in a timely, organized and impartial manner. The immediate safety of the child will determine the timeliness of the investigation.
- 1.8 The Children's Aid Societies are responsible for the investigation of allegations of child abuse and neglect. Investigations will be conducted in a manner that is child centred and child sensitive.

2.0 Statement of Roles

- 2.1 Children's Aid Societies and Family and Children's Services are child protection agencies legislated under the Child and Family Services Act. The legislation defines the functions of a Children's Aid Society, defines when a child may be in need of protection and the responsibilities of the society to investigate and provide services to children in need of protection from abuse or neglect.
- 2.2 The Thames Valley District School Board is charged with the responsibility under the Education Act of providing education and educational supports to children living in the counties of Elgin, Middlesex and Oxford. The Board is responsible for ensuring that policies and procedures regarding child abuse reporting conform to legislative provisions of the Education Act and the Child and Family Services Act.

3.0 Definition of a Child

The Child and Family Services Act, part III, Protection, defines a child as a person actually or apparently under sixteen (16) years of age. A person subject to a protection order, for example an order of supervision or wardship, is considered to be a child until they attain eighteen (18) years of age. A child protection investigation can not be undertaken with regards to a sixteen (16) or seventeen (17) year old who is not the subject of a child protection order. Allegations of neglect/abuse involving such young people are investigated by the police under the assault or sexual assault provisions of the Criminal Code.

4.0 Definitions of Child Abuse and Neglect

The Child and Family Services Act defines the circumstances in which a child would be found to be "in need of protection". These circumstances are directly incorporated into section 72 which sets out the duty to report:

- (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:*
- a) *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.*
 - b) *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.*
 - c) *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.*
 - d) *There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.*
 - e) *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 is unable to consent to, the treatment.*
 - f) *The child has suffered emotional harm, demonstrated by serious,
i. anxiety
ii. depression
iii. withdrawal
iv. self-destructive or aggressive behavior, or
v. delayed development,
and there are reasonable grounds to believe that the emotional harm suffered by the child results from the action, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.*
 - g) *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.*
 - h) *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 f) 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.

- i) 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 f) 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.*
- j) 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 refused or is unavailable or unable to consent to treatment to remedy or alleviate the condition.*
- k) The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial right 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.*
- l) 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.*
- m) 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.*

5.0 Legislative Duty to Report

5.1 The Child and Family Services Act (section 72) states that:

"A person who has reasonable grounds to suspect that a child is in need of protection shall forthwith report the suspicion and the information upon which it is based to a society".

All reports and suspicions of abuse and neglect must be reported immediately to the appropriate child welfare agency regardless of whether the alleged perpetrator is a family member, a community member, school board staff or volunteer.

5.2 The duty to report is personal and can only be carried out by the person who has "reasonable grounds to suspect" that a child is in need of protection. This duty can not be delegated to, or assumed by, anyone else, including a principal, professional support staff, or senior administrator.

5.3 Professional persons and officials have the same duty as any member of the public to report. As such, where there are reasonable grounds to suspect that a child is in need of protection, a person, including a person with professional or official duties, must report the suspicion and the information on which the suspicion is

...based to a society.

- 5.4 The duty to report applies although the information reported may be confidential or privileged and no action for making the report shall be instituted against a person who acts in accordance with the legislation unless the person acts maliciously or without reasonable grounds for suspicion as the case may be (section 72 (7)).
- 5.5 Teachers, principals, vice-principals and non-teaching professionals are advised that their failure to report where there are "reasonable grounds to suspect" that a child is in need of protection can lead to a conviction of an offence which is subject to a fine of not more than \$1,000. A failure to comply with the Child and Family Services Act is a defined ground of professional misconduct under the Ontario College of Teachers Act 1996.
- 5.6 It is important to note that the duty to report is an on-going one, such that where "additional reasonable grounds" arise to suspect that a child is in need of protection, a further obligation to report arises despite the fact that the person may have made one or more previous reports.

6.0 General Procedures

These procedures include protocol for reporting to societies as well as internal reporting protocol for Board employees.

- 6.1 In situations where a teacher, school administrator, professional support person or other Board personnel have reasonable grounds to suspect that a child is in need of protection as defined by the Child and Family Services Act, the person shall **immediately** report the suspicion and the information on which it is based to the society in the jurisdiction that the child normally resides.
- 6.2 The individual who suspects that a child is in need of protection has a personal and/or professional duty to report directly to the children's aid society; that duty can not be delegated to, or assumed by anyone else, including a principal, professional support staff or senior administrator. The individual may request the presence of any of these staff members while making the report to the society.
- 6.3 The suspecting person may need to ask questions of the child or parent to clarify information. **Questioning should occur only to the point where the person involved has a reasonable suspicion that the child is in need of protection.** Any further questioning constitutes investigation and is the responsibility of the society. Assessing the validity of a suspicion is also the responsibility of the society. Once a child has disclosed, he/she must not be subjected to further questioning by any other Board person. School personnel must avoid interfering with the investigative process.
- 6.4 The suspecting person making the report shall document and maintain all details, in writing.
- 6.5 The circumstances in which a child may be in need of protection may require an individual to exercise considerable personal judgement. The individual may wish to

discuss the situation with a principal or non-teaching professional employee. School personnel should consult with the principal or designate regarding the report. Consultation should be available but shall not remove the reporting obligation from the individual or impede the timeliness of the report.

- 6.6 At the time of the report to a society, the suspecting individual shall bring all information and any documentation to the school principal or designate. The school principal or designate shall be responsible for sending a follow up letter to the society confirming that the suspicion has been reported. A copy of this letter will be maintained by the principal and a copy sent to the Superintendent of Education.
- 6.7 The principal will receive confirmation that the report has been received and the name of the intake worker assigned to the case. If advised by the society that the suspicion or disclosure does not warrant an investigation, the principal will record the worker's name, the date, and the time of the consultation.
- 6.8 A notation of contact or communication with the society will be documented in the student's O.S.R. in the appropriate section. If the principal deems necessary, further documentation may be maintained in the O.S.R. consistent with record retention policies with the exception of situations involving school board employees. If the investigating agency determines there is no legitimate basis for the report, information may be removed from the O.S.R.
- 6.9 Once a report is received by the society, the intake worker and the reporting person will develop a strategy for informing the parents. School or Board personnel shall not inform parents that a report has been made without consultation with the society.

The intake worker will keep school personnel advised of the strategy for responding to the report such that school personnel may assist where required. Any investigative role is clearly the mandate of the society. The strategy will include consideration of appropriate time lines such as when the child is expected at home or when a parent may arrive to pick up their child from school. The strategy should also include provisions for supporting the child prior to and during the initial interview and/or investigation. A support person should be a person of the child's choosing.
- 6.10 In situations where there is a suspicion that a child is in need of protection and there is a risk of imminent physical or emotional harm, the society will make arrangements to interview the child at the school in a safe environment. In situations where the immediate safety of the child and of other children is of concern, the society will take the necessary steps to ensure the child(ren)'s safety.
- 6.11 The society will obtain the information necessary to complete the investigation from the referring source and the school, including the student's identifying information, family data and the context of the situation within legal confines.
- 6.12 Consultation with the society is available in situations where an individual is unsure of whether the circumstances constitute reasonable grounds to suspect, thereby requiring a report be made. In such a consultation, the individual would explain a

situation without giving names or other identifying data. The consultation would not constitute a referral or require any follow-up by the society.

7.0 Students with Special Needs

- 7.1 The school board recognizes the particular vulnerability of children with special needs. Procedures following the report of a suspicion of abuse/neglect or a disclosure will be followed with consideration of additional and appropriate assistance to a child whose disability affects the ability to communicate.
- 7.2 The reporting person and/or the principal will ensure that the investigating agency or police are aware of whatever needs and accommodations are necessary for the child. Such accommodations should include the presence of a known adult during the investigation process.

8.0 Procedures Regarding Board Employees

- 8.1 In situations where a teacher, support staff or other Board employee is suspected of conduct which places a child in need of protection, the principal or supervisor will be notified when a report to a society is being made and the principal or supervisor will notify the appropriate Superintendent of Education and the Executive Superintendent of Human Resource Services. In situations where a principal is suspected of such conduct, the Superintendent of Education, the Executive Superintendent of Human Resource Services and the Executive Superintendent of Operations Services will be directly notified.
- 8.2 A staff person or volunteer who has made a report to the principal regarding a specific situation and is not satisfied with the response may contact the designated superintendent directly.
- 8.3 Under no circumstances should the implicated staff member be contacted regarding an allegation or disclosure until specific instructions are received from the investigating police or society. Notwithstanding section 18 (1) (b), Regulation Made Under the Teaching Profession Act, a teacher shall NOT report to a fellow teacher that an allegation or disclosure has occurred. This procedure is designed to secure the safety of the student, to ensure that the rights of the victim and the accused person are protected and to prevent possible destruction of evidence.
- 8.4 The Board will undertake to ensure the safety of any other alleged or potential victims through whatever means deemed appropriate, including interim suspension of the employee or removal from the school setting. School board staff and volunteers are expected to be supportive of a student who has come forward, and will respect and protect the confidentiality of the disclosure within legal confines. Only staff who need to know and who will in no way jeopardize the investigation will be informed of the disclosure.
- 8.5 The Board will fully cooperate with the society and the police in any investigation and provide access to any relevant information within legal confines.

- 8.6 In instances involving school personnel, it must be remembered that the Board has two key areas of responsibility:
- i Acting in "loco parentis" for the children registered within their school system
 - ii Serving as the employer of the person who is the alleged abuser. It is the employer's determination whether the accused employee shall be relieved of duties or re-assigned during an investigation. The society may advise the employer in this regard.
- 8.7 Where a situation involving a staff person is reported to a society or the police, and they decide not to pursue the matter, the matter shall be reviewed by the Executive Superintendent of Human Resource Services in order to establish whether further action is warranted.
- 8.8 In instances where employees of the Board are suspected to have conducted themselves in their personal situation, in a manner which places a child in need of protection, there is a very delicate balance between the individual's rights to privacy, versus the employer's need to know to protect possible victimization in the workplace. In these instances, the employer will be notified only in cases where the conduct is reported and confirmed or where the conduct has broader transference of risk in the respective workplace.
- 8.9 The Executive Superintendent of Human Resource Services will be responsible for ensuring that an internal investigation of circumstances is conducted. The investigation shall be coordinated in consultation with the investigating society and the police.

9.0 Procedures Regarding Society Employees

In situations where a disclosure has been made to a Board employee regarding a suspicion which involves an employee of the Society, a report will be made to the Intake Supervisor of the society in the region in which the child normally resides.

10.0 Police Involvement

The police have a responsibility to investigate allegations of abuse which may also constitute offences under the Criminal Code of Canada and other statutes. The working relationship between the police and the Children's Aid Societies is such that the police become involved when an abuse allegation may also indicate a criminal offence on the part of the alleged abuser. This involvement could include situations where the alleged abuser is an employee of the Board or the Society. The Board will fully cooperate with any police investigation provided that valid authorization under applicable legislation is presented to the Board to access the relevant information prior to disclosure by the Board.

The Children's Aid Societies have protocols for referral and joint investigations with police forces in each jurisdiction. The Societies and the police have reciprocal reporting responsibilities and protocols. The Children's Aid Societies have agreed to inform the

school of the plan to involve the police.

11.0 Sharing Information

11.1 The society and the school should share as much information as is necessary to ensure the child's safety and well being and to enable school personnel to support the child.

11.2 It is preferred that the sharing of information is done with written parental consent. When it is not possible, or there is risk that the child's well being and safety may be endangered if parental consent is obtained, then information will be shared to the extent necessary to ensure the child's well being and safety.

At no time shall the attempt to share information and/or to obtain parental consent obstruct the duty to report that a child is in need of protection.

12.0 Investigation on School Premises

In certain situations it may be necessary for investigations of suspicions to occur on school premises. Where a child is to be interviewed at school, the society and the police shall adopt the following procedures:

12.1 Where there is a suspicion that a child is in need of protection and there is a risk of harm to the safety and/or well being of the child if the parent has prior knowledge of the interview and is permitted to participate. The society may direct and the principal shall permit an interview to take place without parental consent and in the absence of the parents on school premises.

12.2 Where the society and/or the police do not object to the presence of at least one parent at the interview of the child at school, the society would seek prior parental consent to the interview, encourage the parent to attend and give the principal of the school sufficient notice of their visit.

12.3 Where a parent is unavailable, a support person, requested and chosen by the child, should be present at the interview within the school.

12.4 The removal of a child from the school property without parental consent by an agent of the society or the police, will constitute an "apprehension", as defined under the Child and Family Services Act, of that child and will thereby fall within the legal jurisdiction of the society or the police.



SAMPLE

Date

Executive Director Children's Aid Society of London and Middlesex County P.O. Box 6010, Depot 1 London, Ontario N5W 5R6 Tel: 455-9000	Executive Director Family and Children's Services of St. Thomas and Elgin County 410 Sunset Dr. St. Thomas, Ontario N5R 3C7 Tel: 631-1492	Executive Director Children's Aid Society of Oxford County 92 Light St. Woodstock, Ontario N4S 6H1 Tel: 539-6176
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Re: Student's Name: _____ D.O.B.: _____ Grade: _____
 Address: _____
 Parent/Guardian's Name: _____ Home #: _____ Bus. #: _____
 Address: _____ Emergency Contact: _____

Dear Executive Director:

In accordance with the Thames Valley District School Board Procedure (revised 2004 November), I am writing to confirm the telephone conversation with _____ on _____

During this conversation, _____ reported concerns regarding the above named child. Our specific concerns were:

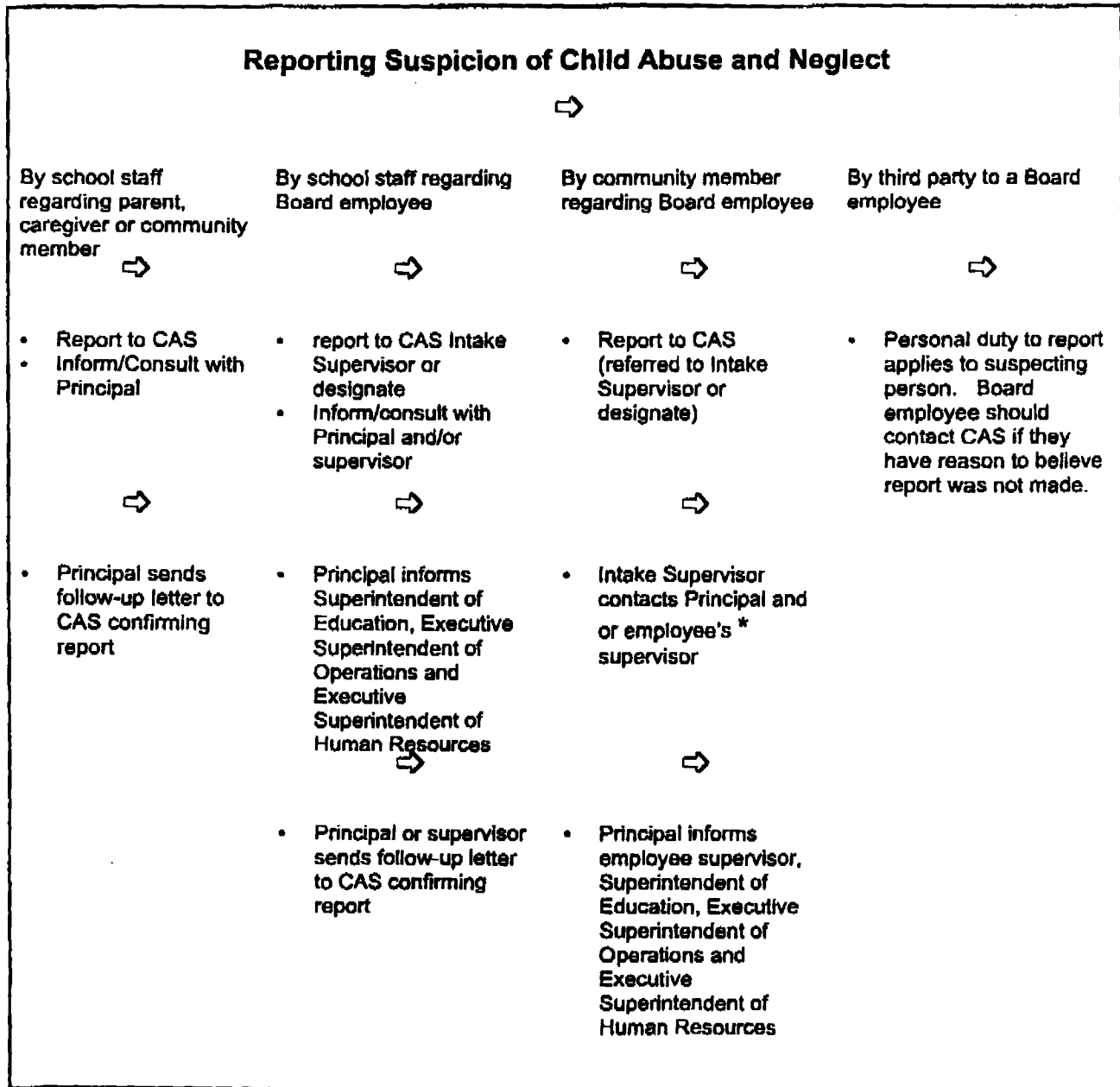
The intake worker indicated the agency's response would be: _____

Sincerely,

Principal

c: Superintendent of Education

This report was made in accordance with the requirements of the Child and Family Services Act, (Section 72).



N.B. * In situations where report concerns suspicions regarding a principal, the Intake Supervisor will contact the appropriate Superintendent of Education