

NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD

REPORTING CHILD PROTECTION CONCERNS

**S 12.1
NPS 162-00**

POLICY:

IT SHALL BE THE POLICY OF THE NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD that an employee shall report any concern that a child may be in need of protection, and the information on which it is based, to the Children's Aid Society (CAS) in accordance with the Child and Family Services Act (CFSA) as amended by Bill 6 1999, and shall follow the steps outlined in the attached procedures for reporting.

I. DEFINITIONS/CLARIFICATIONS

1. "CHILD"

A "child" is a person who is actually or apparently under sixteen (16) years of age.

2. "PERSON IN CHARGE"

Anyone having responsibility for caring for a child may be considered as a person in charge, e.g., babysitter, teacher, Big Brother/Sister, recreation worker, etc. One need not be a parent or person exercising parental rights.

3. "CHILD IN NEED OF PROTECTION"

A child is said to be in need of protection in any of the following circumstances:

- 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 (c).

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- 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 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 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.
- g) The child has suffered emotional harm of the kind described in paragraph (f), 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 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 paragraph (f) 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 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 refuses 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 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.
- 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.

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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.

4. "EMPLOYEE"

For the purpose of this policy, "employee" shall include any person

- a) who is employed by the Board, receives an honorarium, or acts on behalf of the Board in an official capacity; and
- b) who is either in contact with students, or is responsible (either directly or indirectly) for the physical, mental and educational well-being of the students.

This includes, but is not limited to, teachers (including supply teachers), principals, vice-principals, department heads, librarians, counselors, school chaplains, school secretaries, school custodians, coordinators, teacher assistants, lunch period supervisors, resource personnel (such as technicians, psychologists, psychometrists, speech and language pathologists, behaviourists), attendance officers, trustees, senior administrators, etc.

For the purpose of this policy, "employee" shall also include personnel working in an official capacity in the schools, be they remunerated or not by the Board. These include priests, student teachers, coaches, volunteers providing services on a regular basis, etc.

II. DUTY TO REPORT

1. LEGAL DUTY

A legal duty to report a child protection concern is imposed on Board employees who have reasonable grounds to believe that a child is in need of protection (Section 72(1) of the CFSA).

Section 72(2) states:

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.

Section 72(3) states:

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 to report on his or her behalf.

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Note: Disclosure by a student 16 years or older, or where the alleged abuser was a person **not** in charge:

While there is no legal duty to report to the Children's Aid Society, if a student is 16 years of age or over when the alleged offence occurs, or where the alleged abuser was a person **not** in charge, the student is still protected under the Criminal Code of Canada. The Criminal Code of Canada contains such offences as Assault, Sexual Assault, Threatening, and Sexual Exploitation. A student 16 years or older who discloses a current or past abuse event should be advised, encouraged and aided in contacting the appropriate service agency. Additionally, if the older student's information indicates that he/she has siblings under the age of 16 who may be in need of protection, this must be reported.

2. SUPREMACY OF THE DUTY

A professional's duty to report overrides the provisions of any other provincial statute. A professional must comply with the reporting laws even though the reported information may be confidential or privileged.

3. PENALTY FOR FAILURE TO REPORT CFSA 72(4)(6.2)

Failure to report is an offence under the Child and Family Services Act. An employee who contravenes the legal obligation to report, or who authorizes, permits, or concurs in such a contravention is guilty of an offence, and on conviction is liable to a fine of not more than \$1,000.

4. PROTECTION FOR PERSONS REPORTING CFSA 72(7)

The CFSA affords a measure of protection to persons who conscientiously report suspected child protection concerns.

The CFSA states that no action for reporting a suspicion that a child is in need of protection shall be instituted against a person unless the person acts maliciously or without reasonable grounds or suspicion.

III. ADMITTING THE POSSIBILITY OF A CHILD PROTECTION CONCERN

1. SUSPICION

A report is initiated by a suspicion that there has been or continues to be a protection concern. It is not the responsibility of the employee to prove, to investigate, or to first be convinced that a child is in need of protection. There need only be reasonable grounds to suspect that the child is in need of protection. The responsibility for the investigation rests with the Children's Aid Society.

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2. SUSPICION BASED ON INFORMATION OR DISCLOSURE

When information is volunteered by a child or any other individual, the employee must be careful not to show bias, pass judgments or weigh evidence. The employee should immediately make confidential notes of his/her personal observations (i.e., date, time, diagrams, comments made by the child). No hearsay or opinions should be recorded.

3. SUSPICION BASED ON INDICATORS

A suspicion may also be based on the presence of several indicators appearing over a period of time. When there is no obvious physical injury, nor any specific statement or evidence of neglect or abuse, the employee should observe closely and keep accurate, factual and confidential notes of the child's behaviour and appearance.

IV. REPORTING TO THE CHILDREN'S AID SOCIETY (CAS)

1. THE REFERRAL

An employee who has reasonable grounds to suspect that a child may be in need of protection shall forthwith report the suspicion to the Children's Aid Society. A follow-up letter to the Children's Aid Society should confirm that the report has been made (Appendix II).

2. CONSULTATION

If an employee is unsure whether reasonable grounds exist, the employee may discuss the matter with the principal, supervisory officer, or public health nurse. The employee, however, remains responsible under the law for reporting to the Children's Aid Society. The Children's Aid Society (Manager of Services, Intake Supervisor or Intake Worker) may be contacted in a consultative forum. The situation may be described without using specific names. If the CAS determines that the situation is reportable, the employee may then provide all other necessary data. This shall then constitute a formal referral.

3. INFORMATION REQUIRED WHEN REPORTING

When reporting to the CAS, the following information will be required:

- ▶ name, address, birth date of child
- ▶ names, address and phone numbers of parents, guardians or caretakers, and where they can be reached
- ▶ custodial status, if known
- ▶ directions to the place of residence, where necessary
- ▶ names and ages of siblings
- ▶ other agency involvement
- ▶ reasons for reporting
- ▶ name/relationship of alleged abuse (if known).

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Appendix I may be used to compile this information.

4. CONFIDENTIALITY

Wherever possible, the referral source will be identified as the school rather than a particular individual, unless it is necessary for the person to give evidence in court.

5. INFORMING THE PRINCIPAL

The employee shall immediately inform the school principal or his/her designate of the suspicion and referral to the CAS, provided this person is not the subject of the report.

6. RECORD KEEPING

The principal shall maintain a record of all suspected cases of children in need of protection which are reported to the CAS. The record shall be limited to the following information:

- ▶ name of the staff member reporting the case
- ▶ name of the CAS worker receiving the report
- ▶ date and time the case was reported.

The purpose of this record is to verify the action of the staff in respect to reporting suspected cases of children in need of protection, and to provide an overview of the extent of the problem. It is not intended to provide details in respect to individual cases or to identify by name the children concerned. To do so would be to establish a separate pupil file, which is contrary to legislation and to the OSR guidelines of the Ministry of Education.

The record shall be kept on file for seven (7) years, as required for all correspondence, in accordance with Board policy on "Records Management".

V. INVESTIGATION

1. RESPONSIBILITY

It is the responsibility of the Children's Aid Society to conduct an investigation of the child protection report. Once a report has been made, the principal and staff shall **not** conduct further investigation by questioning the student and/or staff involved.

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2. ACCESS TO CHILDREN AT SCHOOL

a) CHILD ABUSE REPORTS

If the report involves alleged physical or sexual abuse, a CAS intake worker is assigned and the appropriate police force is contacted as per the child abuse protocol between the CAS and the police forces. Child abuse reports are normally investigated by this investigative team within 12 hours. In child abuse situations, where the investigative team has determined the best interests of the child require that an interview take place without prior knowledge and in the absence of the parents, the principal will permit an interview to take place on school premises without prior parental consent. The investigative team undertakes to inform the parents of the interview as soon as is reasonably possible. The principal and his/her designate or someone identified by the child as a support person can be present during the interview unless the investigative team determines that this is not in the best interest of the child. This will be discussed by the investigative team and the principal prior to the interview.

b) OTHER REPORTS

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

- ▶ the CAS contacts the parent and obtains written or verbal consent;
- ▶ the parent is present;
- ▶ it is determined by the CAS worker in consultation with the principal that circumstances dictate that the child should be interviewed at the school without consent; or
- ▶ the child is 12 years of age or older, and requests to speak to a CAS worker prior to his/her parents being informed.

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

c) PRIOR NOTICE TO THE PRINCIPAL

Where a report of abuse has originated from outside the school, the Children's Aid Society will give notice to the principal or designate in advance of its visit, and will create the least possible disturbance in interviewing the child.

d) PARENTAL INVOLVEMENT

Where the CAS or the investigative team does not object to the presence of a parent at the interview, the interviewers should seek prior parental consent to the interview, and encourage the parent to attend. Where it has been determined that, in the best interests of the child, the parents should not be informed or be involved in the interview, the CAS worker will complete and

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sign the form in Appendix IV. The CAS or investigative team will undertake to inform the parent(s) as soon as reasonably possible.

e) IDENTIFICATION AND AUTHORITY

Any CAS worker or police officer requesting to interview a child at the school shall, prior to the interview,

- i. identify him/herself to the principal or designate, upon arrival at the school. Their name(s) shall be recorded by the principal;
- ii. indicate that the interview is part of an investigation of reported child abuse or neglect and confirm the authority to conduct such an interview;
- iii. inform the principal or designate that the parent/guardian has been informed and has consented to the interview at the school, or in their judgment the interview should be held without the prior knowledge and in the absence of the parent/guardian;
- iv. agree to inform the parent(s) of the interview, as soon as is reasonably possible, if they have not already done so.

The CAS worker shall confirm all of the above in writing (Appendix IV).

VI. REMOVAL OF CHILD FROM THE SCHOOL

1. AUTHORITY TO REMOVE A CHILD

The Child and Family Services Act grants authority to child protection workers under specific circumstances, to enter any premises, to remove a child, and to bring him/her to a place of safety.

2. IDENTIFICATION AND RECORD OF REMOVAL

In such circumstances, the principal or designate shall:

- a) request and record appropriate identification from the person seeking to remove the child from the school; where a police officer is involved, record the badge number;
- b) request:
 - i. a Warrant to Apprehend; or

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- ii. a signed statement (see Appendix III) confirming that:
 - ▶ the person is acting in a child protection role under the authority of section 44 of the CFSA;
 - ▶ the person is removing the child from the school; and
 - ▶ the person will undertake to notify the parent(s)/guardian(s) before the pupil's regular arrival time at home at the close of the school day.

3. REPORTING TO THE SUPERINTENDENT

When a child is removed from the school, the principal or designate shall inform the Supervisory Officer concerned and shall place the signed statement or warrant in the student's OSR.

VII. FOLLOW-UP TO A REFERRAL/INVESTIGATION

1. INFORMING THE SCHOOL

According to the CFSA, the release of personal information regarding the child and family is prohibited without the consent of the person(s) involved.

As the investigation progresses to its conclusion, to the extent that it is permissible, the CAS will provide to the principal sufficient information to enable school personnel to support the child and to continue the on-going relationship between home and school. In particular, the CAS should offer to inform the principal as soon as possible:

- a) when school personnel may resume contact with one or both parents;
- b) if the child is placed in the care of the CAS;
- c) the existence and terms of any court orders regarding access by the parent(s);
- d) if the investigation is delayed;
- e) of any other information which the team deems to be advisable.

2. INFORMING THE EMPLOYEE WHO MADE THE REFERRAL

The principal or designate shall communicate the above information to the person who made the referral.

INFORMATION NEEDED WHEN REPORTING SUSPECTED CHILD PROTECTION CONCERNS

1. Name of child (list alternate names):

Address of child:

Telephone:

Name and address of parents, guardians, or other caretakers:

Custody status, if known:

Where parent(s) can be reached:

Directions to place of residence, where necessary:

Siblings: names and ages:

2. Information upon which suspicion is based:

Individuals or agencies who have had recent contact with the child:

3. Name/Relationship of alleged abuser, if known:

Address of alleged abuser, if known:

4. Report made on:

To CAS worker:

(Date)

(Name of CAS Worker)
(CAS)
(Etc.)

Dear _____

The purpose of this letter is to confirm our telephone conversation of _____ *(Date)* _____, during which I reported a child protection concern to you.

We would appreciate receiving information concerning the resolution of this matter.

Sincerely

c: School Principal

**PRINCIPAL'S RECORD RE REMOVAL OF CHILD FROM SCHOOL PREMISES
BY THE CHILDREN'S AID SOCIETY**

Name of School _____

Date: _____

Pupil's Name and D.O.B. _____

1. I, _____, am a person authorized under Subsection 37 of the Child and Family Services Act, by the Executive Director of the Children's Aid Society for the Districts of Nipissing and Parry Sound, a local director within the meaning of the Act, CFSA, Section 44.
2. I have reasonable and probable grounds to believe that the child above noted is apparently in need of protection within the meaning of the Act.
3. I advise you that I have removed, or do hereby remove such child from your care and/or premises.
4. I will undertake to inform the parent(s) of this action before the pupil's regular arrival time at home at the close of the school day.

(Signature of person so authorized)

Copy to be forwarded to the Superintendent of Education to be placed in OSR

Interviewers:

Name: _____

I/We, the above, request to interview the following student(s) at _____ School:

This interview is conducted as part of an investigation of a reported suspicion regarding a child protection concern.

I/We am/are authorized under legislation to conduct this interview.

Check one:

- We have notified the parent(s)/guardian(s) and have obtained consent to interview the child(ren).
- In the best interests of the child(ren) the parent(s)/guardian(s) should not be notified of this interview. We will undertake to inform the parent(s)/guardian(s) as soon as reasonably possible.

(Date)

(Signature of representative in authority)

WHAT TO DO IF A CHILD DISCLOSES SEXUAL ABUSE

Notes for School Board Personnel

If the Child Discloses to you:

DO:

- ▶ Try to stay calm.
- ▶ Reassure and support the child.
- ▶ Statement like the following may be appreciated, but are not necessary. Make sure you demonstrate your support by speaking softly and warmly. Let the child talk, just be a supportive listener
 - ▶ “I’m glad you told me; you did the right thing.
 - ▶ It’s not your fault.
 - ▶ You’re not alone, this happens to other children.
 - ▶ I have to tell some people (a social worker and a police officer) that this has happened. They will want to ask you some questions. They can help to make sure you’re safe.” (Remember, you can acknowledge how the child feels about this, but you cannot give her/him a choice.)
- ▶ Tell the child that what you have been told concerns you and that you want to call someone you know that can help the child. Make sure you include that you are going to be with the child if that is what is wanted.
- ▶ You should not ask for many details - that is the job of the trained professionals, the Children’s Aid Society and the police.

If a Child Discloses in the Classroom:

DO:

- ▶ Acknowledge the statement (e.g., “That sounds important. We can talk about that later.”) and move on.
- ▶ Arrange to talk to the child privately and as soon as possible (e.g., recess).
- ▶ Inform the Children’s Aid Society and principal immediately of the disclosure (without the child present).
- ▶ Stay with the child, particularly if s/he is upset.
- ▶ Make sure that the Children’s Aid Society knows what the timelines are (e.g., when the child is expected at home) so the response plan can be prioritized accordingly.
- ▶ Wait to contact the parents until the Children’s Aid Society/police team have determined how and when this should occur.
- ▶ Stay with the child until the Children’s Aid Society/police team arrives at the school, recognizing that the child requires support during this period.

- ▶ Offer to stay with the child during the initial assessment and investigative interview.
- ▶ Check with the Children's Aid Society before allowing the child to go home if the interview has not yet taken place.

Note: Only the Children's Aid Society/police should call or talk to the alleged offender.

After the Disclosure:

DO:

- ▶ Talk to a colleague or someone you trust about your feelings. Disclosures are never easy to handle. You also need support.
- ▶ Make detailed notes on disclosure and circumstances surrounding, including verbatim conversations.
- ▶ Ask for the name of the Children's Aid Society's counselor and his/her supervisor.
- ▶ Feel free to call the Children's Aid Society's counselor to find out the status of the assessment, the actions taken, to give further information, or to ask for advice on how to deal with the child.
- ▶ Keep communication open with the child who will require on-going support.
- ▶ Respect the child's right to privacy by not identifying her/him to other staff.

Do not delay in making a report. Remember, if you suspect a child is in need of protection you are legally responsible for ensuring that a report is made forthwith to the appropriate Children's Aid Society.

ADDRESSING IMMEDIATE NEEDS

Whether a report is made to a Children's Aid Society or to the police, the school should address immediate issues relating to the student's best interests with CAS or the police:

- a) will the student be interviewed and when;
- b) where will the student be interviewed;
- c) will a support person be permitted to attend any interview and if so, who will that support person be;
- d) should the student's parents be contacted; if so, how and when. This issue may also be dependent upon the student's age and whether he or she wishes to notify his or her parents; and
- e) what information can be shared with parents or the guardians.