

Topic:	Child Abuse – Reporting Procedure
Effective:	March 2017
Cross-Reference:	<u>Child, Youth and Family Services Act, R.S.O. 2017 PPM 9 Duty to Report Children in Need of Protection</u>
Revision Date:	September 2018, January 2019
Review Date:	September 2021
Responsibility:	Executive Officer, Human Resources

INTENDED PURPOSE:

The Halton District School Board recognizes all children have the right to be protected. All Board employees and volunteers have a vital role to play in the identification and prevention of child abuse, and the Board expects all staff and volunteers will act in a sensitive manner with all individuals involved.

It is important employees and volunteers of the Halton District School Board are aware of the procedures for reporting circumstances (which come to their attention during the course of their employment or volunteer activities) which prompt them to believe a child is or may be in need of protection. These procedures apply to children and youth under the age of 18. See Attachment #2 for procedures pertaining to students 18+ years of age.

PROCEDURES**DUTY TO REPORT****Who Must Report**

The duty to report applies to everyone, including a person who performs professional or official duties with respect to children. **All school personnel have the duty to report** when there are reasonable grounds to suspect that a child has suffered, or there is a risk that a child is likely to suffer abuse or neglect.

Ongoing Duty to Report

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 the Children's Aid Society.

Duty to Report Directly

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 the Children's Aid Society. The person must not rely on anyone else to report on their behalf.

PROTECTION UNDER THE ACT

The *Child, Youth and Family Services Act* Section 125 (10) provides that anyone who acts in good faith in reporting child abuse is protected from civil suit unless the giving of the information is done maliciously or without reasonable grounds to suspect that the information is true.

For the purposes of this policy, the definitions from the *Child, Youth and Family Services Act, 2017* apply.

MAKING A REPORT

1. If a Board employee or volunteer has reasonable grounds to suspect that a child is or may be in need of protection, **the person must immediately report the suspicion** and the information upon which it is based to the Children's Aid Society.
2. Notify the Executive Officer of Human Resources or designate and the appropriate Superintendent of School Operations when the alleged offender is a staff member or volunteer.
3. Keep a record of the call to CAS on the Record of Report to Children's Aid Society (attachment 3).

General Information:

- A child in need of protection is a child who has suffered or is at risk of:
 1. physical or emotional harm or neglect; or
 2. being sexually molested or exploited, including by child pornography.
- The principal of the school where the child attends must also be informed that a report will be or has been made. All internal policies and protocols must be followed.
- The referring employee, volunteer, principal, supervisor and/or superintendent, if specifically requested by CAS, will provide additional information to aid in the determination of whether a child is in need of protection. The final determination of whether an investigation will result is the decision of the Children's Aid Society.
- **The anonymity of the referral source cannot be guaranteed.** The Halton CAS will not mention the referral source unless needed through court, however, the family may be informed that the call came from the "school". In order to fulfil the legal obligation to report, a caller must identify themselves to the CAS when making a referral.

The Report

When making a report to the Children's Aid Society, the following information is required:

- The sex, name, birth date(s), address(es) of the alleged victim(s), sibling(s), other potential victim(s).
- The parent(s)/guardian(s) phone number both at home and at work, if applicable.
- The name and phone number of emergency contact.
- The relationship of the alleged victim(s) to the alleged offender and the names of the schools attended by sibling(s) and other potential child victim(s).
- The full name of the employee who reports the alleged incident and how they can be contacted.
- A clear description of the problem. Describe any injury or disclosure. Give both time and date of disclosure.
- Describe current behaviours of the student, e.g. frequent absences, lateness, change in attitude, peer group etc.
- Describe language and cultural differences to facilitate the investigation, including need for an interpreter.
- Provide recommendations on how to approach the family.

Procedure Used When Employee is the Alleged Offender:

The Report processes to the Children's Aid Society detailed above remain the same.

The Principal or Vice Principal will make contact with CAS. CAS will notify the Principal or Vice Principal if a file has been opened **and Principal or Vice Principal will immediately notify the Executive Officer of Human Resources or designate.**

The following process will apply:

- The alleged offender will be assigned home and will not have access to children during the investigation*.
- Executive Officer of Human Resources or designate will:
 - send the alleged offender confidential **written confirmation** regarding non-work status;
 - provide an **absence code and project number** where required;
 - make necessary arrangements re: SmartFind in the case of casual/on call workers;
 - determine whether a board investigation will occur at the conclusion, or in lieu of a CAS investigation; and
 - send the employee written confidential confirmation regarding the outcome and/or any action required or to be taken as a result of the investigation.

- CAS will notify the Executive Officer of Human Resources or designate of the outcome of the investigation, upon its conclusion.
- *In cases where the complaint involves allegations or concerns of inadequate supervision of a child/youth, a missing or lost child/youth incident, the employee(s) may remain in the workplace and not assigned home, subject to the approval of the Executive Officer of Human Resources. Notwithstanding the decision not to assign the employee home, the CAS investigation will proceed accordingly.

The Principal/Vice Principal will meet with the employee to notify them that a CAS complaint has been filed against them. When the employee is told is at the discretion of the administrator, but it should be done as quickly and professionally as possible.

The Meeting:

Advise the employee that they may contact their union representative immediately following the meeting to provide representation throughout the investigative process.

Proceed by telling the employee the nature or reason for the meeting (**do not disclose student(s) name(s)**) and while the investigation is underway, they will be assigned home with pay for non-disciplinary reasons.

When assigned home with pay, the employee:

- is not to have any contact with the student(s), parents or staff in HDSB and they should not discuss the allegations with anyone other than their Union Representative/counsel while the investigation is underway;
- will receive formal correspondence from the Board regarding the matter;
- may contact or remain in contact with their Union / Association President during the investigation; and
- will be informed that support is available through the Board's Employee and Family Assistance program.

Casual or on call employees are assigned home with pay for committed assignments only or in accordance with their collective agreement.

Board Investigation

Where the Executive Officer of Human Resources deems that a Board investigation must occur following the CAS investigation, or in lieu of a CAS investigation, one will be initiated. The Board investigation will be one that determines 'on the balance of probabilities' whether the alleged conduct occurred, for the purposes of making ongoing employment decisions. In some cases it may be necessary to use an outside consultant to conduct the investigation.

Once a CAS complaint has been made against a staff member or volunteer, no staff member, volunteer or student will be questioned, nor shall any other inquiries be made until specific directions are received from the investigating Police or CAS/Police team, and the Executive Officer of Human Resources or designate.

Reporting in a School with a School Based Family Service Worker

In schools where a Family Service Worker is based and there are concerns regarding a child's safety, reports must be made through the CAS general intake process.

SUSPECTED ABUSE BY STUDENTS (CAS Procedures above must also be followed for student victims under 18 years of age)

Each school will include, in its Student Code of Behaviour, a definition of child abuse as outlined in these guidelines, as well as the possible courses of action and consequences deemed appropriate where a student has acted or may have acted in a manner which puts another child in need of protection.

Where a complaint of abuse is made against a student or where circumstances occur which suggest that a student is an alleged offender, such complaint must immediately be brought to the attention of the Principal or Vice Principal. The procedure followed to deal with the complaint or the circumstances will be those provided for under the Student Code of Behaviour.

RECORD KEEPING

(Complete "Record of Report to CAS" attachment to this administrative procedure)

To provide accurate information to the Police or CAS and to assist in the court process, staff and/or volunteers must document their knowledge of and involvement in the situation. The steps taken as a response to the suspicion of abuse must be recorded.

- Keep a personal record of any report or consult and any other matters that are relevant.
- The Principal is required to keep a written record of the report. A copy of the written formal report must be given to the Principal within 48 hours and should include names.

Court Proceedings

Your notes may be subpoenaed to court as evidence. Should your notes be subpoenaed to court as evidence, retain a copy for your records. If you are subpoenaed as a witness, you are allowed to take a copy of your notes for reference.

Confidentiality

All records and information concerning a reported case of suspected abuse or neglect of a child in need of protection shall be considered **confidential** and released only to the appropriate Children's Aid Society at the request of the appropriate Family of Schools Superintendent or if the alleged offender is a Board employee, the Executive Officer of Human Resources or designate.

ROLE and RESPONSIBILITIES DURING AN INVESTIGATION

The Role of the Halton Children's Aid Society

The role of CAS is to investigate suspected child abuse and neglect. The Community Child Protection worker may attend the school and conduct interviews with the children. The Community Child Protection worker may decide to remove a child from the school and the principal must allow the child to leave with the Community Child Protection worker. A joint protocol with Halton CAS and Halton Regional Police requires that CAS contact police on severe cases. CAS may notify police and it may be determined that they jointly interview the children at school.

Informing Parents

Informing the parents of the referral prior to CAS involvement may seriously jeopardize the investigation and may interfere with the protection of the child. **It is the obligation of the Children's Aid Society to inform the parent(s) of the referral.**

The Role of the Police

In some instances the CAS will conduct joint interviews with Halton police. While the role of the CAS is to determine if abuse had occurred, ensure the protection of the child and identify the initial treatment needs of the child, the role of the police is to determine if a criminal act has been committed and if charges will be laid under the Criminal Code against the alleged offender.

The Role of the School

Once the call has been made to the CAS all Board employees/volunteers are required to cooperate fully with the CAS/Police Investigative Team.

The Principal or designate, teacher, school resource staff/special services staff, shall be available to support the child through the CAS/Police interview, ***if the child wishes.***

When the Police/CAS Investigative Team members arrive at the school, **ask to see identification and retain business cards for reference purposes.**

The *Child, Youth and Family Services Act* takes precedence over existing legislation and school board policies, which prohibit interference with the child by the Police or other professionals without prior parental consent.

Holding Children After School

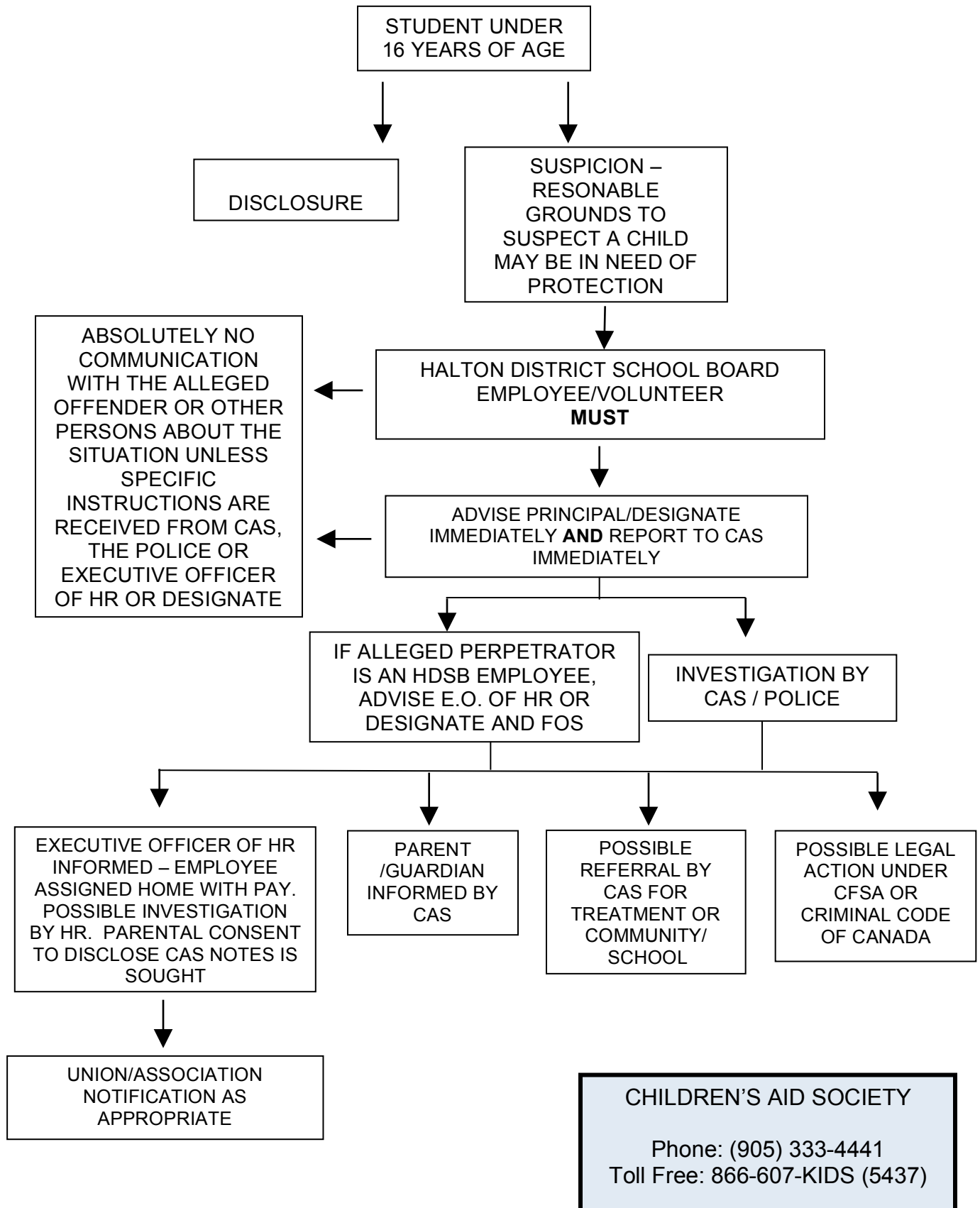
In some circumstances a child may need to be detained after school for the purpose of the investigation. Once directed to do so by CAS, it is the responsibility of the school to inform the parents the child will be detained. When this is necessary the principal or designate will work in conjunction with the investigative team to determine the best approach with the paramount focus being the safety of the child. Once the Community Child Protection worker has arrived at the school they will assume full responsibility for the child and the communication with the parent.

In cases where a Community Child Protection worker or a Police Officer intends to remove the child temporarily from the school, the Principal must allow the child to leave with that person.

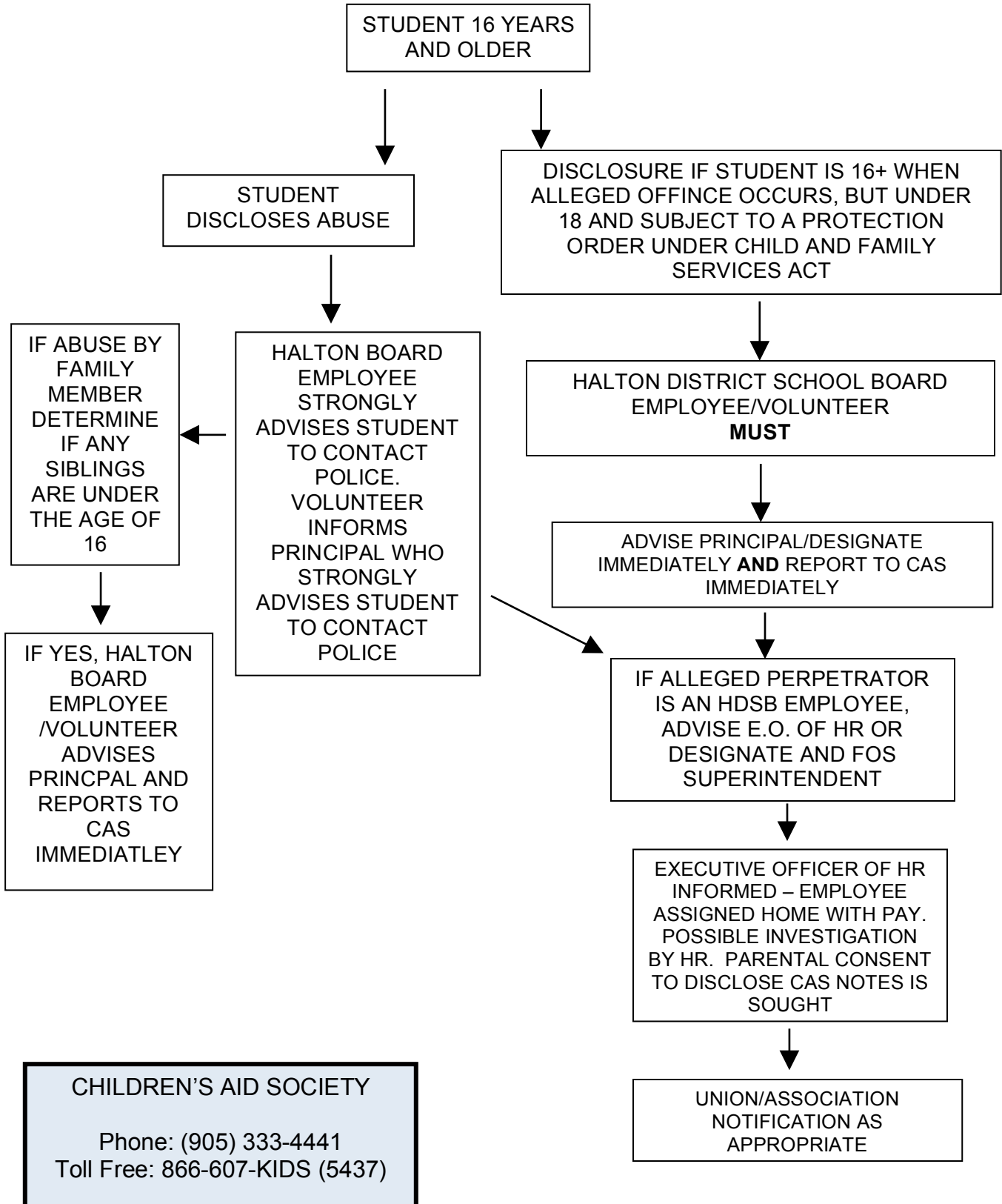
Attachments (*Charts and forms may not be AODA compliant*)

1. [Flow Chart – Reporting Procedures Student Under 16 Years of Age](#)
2. [Flow Chart – Reporting Procedures Student 16 Years and Older](#)
3. [Record of Report to Children’s Aid Society](#)
4. [Parental Consent to allow CAS to release notes of Children’s Interview](#)

**THE HALTON DISTRICT SCHOOL BOARD
REPORTING PROCEDURES WHEN IT IS SUSPECTED A CHILD IS IN NEED OF
PROTECTION**



THE HALTON DISTRICT SCHOOL BOARD
 REPORTING PROCEDURES WHEN IT IS SUSPECTED A CHILD IS IN NEED OF
 PROTECTION





RECORD OF REPORT TO CHILDREN'S AID SOCIETY

Child's Name: _____
Surname Given Name(s)

Birth date: _____ Gender: _____

Child's Address: _____
Street Apt.# City/Town Postal Code

Parent/Guardian: _____ Telephone: Home: _____
Bus: _____

(Address if different from child)

Emergency Contact: _____ Telephone: _____

If more than one potential victim, please fill in for other potential victim(s) and/or sibling(s):

Please indicate if: Other potential victim _____ Sibling _____

Child's Name: _____
Surname Given Name(s)

Birth date: _____ Gender: _____

Child's Address: _____
Street Apt.# City/Town Postal Code

Parent/Guardian: _____ Telephone: Home: _____
Bus: _____

(Address if different from child)

Emergency Contact: _____ Telephone: _____

Present Location of Child(ren) Concerned: _____
(e.g. school/neighbour's house)

4. Steps taken to date (including time and date of disclosure):

5. Describe current behaviours of the student, e.g. frequent absences, lateness, change in attitude, peer group, etc.:

6. Describe language and cultural differences to facilitate the investigation, including need for an interpreter:

7. Recommendations given to CAS on how to approach the family:

8. Police Involvement, if required (See Note Below):

Notify the Police when the alleged offender is not known to the child or is not in a position of trust or authority over the child (refers to incidents of physical and/or sexual abuse between a child and someone outside the child's family who has no position of trust or authority).

Date & Time of Report to Police: _____ Police Contact Name: _____

9. Outcome of Subsequent Investigation by Children's Aid Society/Police:

Report compiled by: _____
Name Position

Signature Location Date

Keep a personal record of the report and any other matters that are relevant. Keep all notes in a secure place.



Halton District School Board

Date: _____

Debra McFadden
Executive Officer of Human Resources
Halton District School Board
2050 Guelph Line, P. O. Box 5005
Burlington, ON L7R 3Z2

My signature denotes that I am the parent and legal guardian of:

Please print child's name: _____

Please print child's school: _____

I have been informed that the Halton District School Board is conducting its own investigation of _____. I hereby give the Halton Children's Aid Society permission to release any information collected during this investigation to the Halton District School Board in recognition that this will alleviate the requirement for my child to be re-interviewed in this matter. In the event the Board needs further clarity, the Board would contact the parent for permission to seek this information.

I understand that for privacy reasons the details of the investigation cannot be released to me.

Date Signed: _____

Parent/Legal Guardian Signature: _____

Please Print Name: _____

Please sign and return this form to Debra McFadden, Executive Officer of Human Resources, 2050 Guelph Line, P.O. Box 5005, Burlington, ON L7R 3Z2.