

THE HURON-PERTH CATHOLIC DISTRICT SCHOOL BOARD

SUBJECT:

CHILDREN IN NEED OF PROTECTION

3D:11



POLICY STATEMENT:

The Huron-Perth Catholic District School Board believes in the dignity, sacredness, and inherent value of the human person. In affirmation of this belief and in recognition of its legal responsibilities under the Child and Family Services Act:

the Director of Education will develop, in collaboration with the Huron-Perth Children's Aid Society, a Procedures Manual which outlines roles and responsibilities to be followed in situation where there is a suspicion or evidence that a child is in need of protection.

School Principals will implement the procedures and will review them with all staff on an annual basis.

PROCEDURE:

1. General Principles

- 1.1 Children have the right to be protected from neglect and abuse.
- 1.2 Addressing child neglect and child abuse is a responsibility shared by many professionals including educators and child protection workers.
- 1.3 The school system has an important role to play in the prevention and identification of child neglect/abuse and the link to appropriate services. It is the responsibility of educators to approach the child who may be in need of protection with commitment and thoroughness.
- 1.4 The Huron-Perth Catholic District School Board and the Huron-Perth Children's Aid Society have agreed to cooperatively address child abuse and neglect and share all information that is relevant to an investigation within the legal confines.
- 1.5 Reporting child neglect/abuse will take place in a timely, organized and practical manner. The immediate safety of the child will determine the timeliness of the investigation. Response time will be determined by the Children's Aid Society.

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- 1.6 The Children's Aid Society is responsible for the investigation of allegations of child abuse and neglect. Investigations will be conducted in a manner that is child-centered and child-sensitive.

2. Statement of Roles

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 and defines when a child may be in need of protection from abuse or neglect.

The Huron-Perth Catholic District School Board is charged with the responsibility under the Education Act for providing education and educational supports to children living in the counties of Huron and Perth. 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. Definitions 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, is considered to be a child until they attain eighteen (18) years of age. A child protection investigation cannot be undertaken with 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 provision of the Criminal Code.

4. Definitions of Child in Need of Protection

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

- 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"
 - Failure to adequately care for, provide for, supervise or protect the child; or
 - Pattern of neglect in caring for, providing for, supervising or protecting the child.

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- b. There is a risk that a 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"
 - Failure to adequately care for, provide for, supervise or protect the child; or
 - 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 in charge of the child or by another person where the person in charge of the child knows, or should know, of the possibility of sexual molestation or sexual exploitation.
- 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 unable to consent to, the treatment.
- f. The child 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 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 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, service or treatment to remedy or alleviate.
- 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 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.
- i. 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 in charge of the child does not provide, or refuses or is unavailable or unable to consent to treatment.

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- j. The child has been abandoned. The child's parent 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.
- k. 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.
- l. 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. Legislative Duty to Report

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”.

- 5.1 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 cannot 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 was 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)).

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- 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 \$1000.00. A failure to comply with the Child and Family Services Act is defined as a 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 that fact that the person may have made one or more previous reports.

6. General Procedures

- 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.

The individual who suspects that a child is in need of protection has a duty to report directly to the Children’s Aid Society; the 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.

- 6.2 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.
- 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 investigating and is the responsibility of the Society. Assessing the validity of a suspicion is also the responsibility of the Society. Once the child has disclosed, he/she must not be subjected to further questioning by other Board persons. School personnel must avoid interfering with the investigative process.

The suspecting person making the report shall document and maintain details, in writing.

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6.4 The circumstances in which a child may be in need of protection may require an individual to exercise considerable personal judgment. 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. There will be no reprisals for an employee of the Board who reports his or her belief that a child may be in need of protection.

6.5 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 completing the Record of Referral form. The principal will maintain a copy of this record in the child's OSR. This Record of Referral should be completed within forty-eight hours.

The principal will receive confirmation that the Record of Referral has been received and the name of the worker receiving the referral information. 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.

*A Record of Referral to the Children's Aid Society form is to be completed within 48 hours of the call to the Society. One copy of the form is to be made and sent to the Society. The original is to be placed in the principal's folder entitled *Records of Referral to CAS*. The Record of Referral is to be maintained in the principal's folder for one year, then destroyed.*

6.6 Once a report is received by the Society, the intake worker and 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 should also include provisions for supporting the child prior to and during the initial interview and/or investigation.

6.7 In situations where there is a suspicion that a child is in need of protection and there is a risk of imminent physical, sexual, 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 is of concern, the Society will take the necessary steps to ensure the child's safety.

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, date and the context of the situation within the confines.

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7. Students with Special Needs

The school 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 for additional and appropriate supports to a child whose disability affects the ability to communicate.

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 may include the presence of a known adult during the investigation process.

8. Police Involvement

The police have 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 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 Society has protocols for referral and joint investigations with police forces in each jurisdiction. The Society and the police have reciprocal reporting responsibilities and protocols. The Children's Aid Society has agreed to inform the school of the plan to involve the police.

9. Sharing Information

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.

It is preferred that the sharing of information is done with written parental consent. When it is not possible, or there is a 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.

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10. 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:

- 10.1 Where there is a suspicion that a child is in need of protection and there is a risk to the safety and/or well being if the child 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.
- 10.2 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.
- 10.3 Where a parent is unavailable, a support person, requested and chosen by the child, should be present at the interview within the school.
- 10.4 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 the child and will thereby fall within the legal jurisdiction of the Society or the police.

11. Procedures Regarding Board Employees

- 11.1 In situations where an employee of the Huron-Perth Catholic District School Board, during the course of his or her employment, is suspected of conduct which places a child in need of protection, the procedures described in Board Policy 3A:20: Assault against or by a Staff member will be followed.

BOARD APPROVAL:

February 2, 2004
Reviewed January 23, 2012

EFFECTIVE DATE:

February 3, 2004
January 24, 2012