



All students who attend Limestone District School Board will be treated with the utmost respect and care within a supportive climate, where priority is placed upon the safety, welfare, and self-esteem of students, at all times. To this end, staff will cooperate with all external community agencies that support and assist students and their families or guardians in building and sustaining healthy, nurturing relationships and environments.

Where a staff member has identified a child in need of protection, and subsequently act on their legislated requirement to report suspected cases of child abuse, they will be sensitive to the wide-ranging implications such reporting can have on students, parents, guardians and other staff members.

1. General

- 1.1. All staff members of Limestone District School Board shall be alert to the early recognition and identification of children in need of protection among the children under their care.
- 1.2. This administrative procedure has been developed to provide procedural guidelines for the reporting of a child in need of protection.
- 1.3. Principals and supervisors shall review this procedure with all their staff annually.
- 1.4. Further reference of this procedure is contained in the Staff Guide: RESPONDING TO A CHILD IN NEED OF PROTECTION. (Form 341).

2. Definitions of Child in Need of Protection

(as per the Child, Youth and Family Services Act, April 30, 2018)

- 2.1. "Child" is defined as any person under 18 years of age.

Subsection 125(1) is quoted below in its entirety:

Limestone District School Board

Limestone District School Board is situated on traditional territories of the Anishinaabe & Haudenosaunee.



Despite the provisions of any other Act, if 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 the 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 the person's,
 - (iii) failure to adequately care for, provide for, supervise or protect the child, or
 - (iv) 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 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.
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.

In addition to the above-mentioned details, further details concerning the requirements for reporting are provided in subsections 125 (2), (3), and (4) of the act as summarized below.

3. Duty to Report

- 3.1. Subsection 125 (2) of the act states that the duty to report is an ongoing obligation. If a person has made a report about a child to the Children's Aid Society and has additional reasonable grounds to suspect that the child is or may be in need of



protection, that person must make a further report to the Children's Aid Society.

- 3.2. Subsection 125(3) of the act requires every person who has reasonable grounds to suspect that a child is or may be in need of protection to make a report directly to a Children's Aid Society and not rely on anyone else to report on their behalf.
- 3.3. Subsection 125 (4) of the act clarifies that, if the child is 16 or 17 years old, there is no duty to make a report, but a person may make a report concerning a child who is 16 or 17 years old if either a circumstance or condition described in paragraphs 1 to 11 of subsection 125 (1) or a prescribed circumstance or condition exists.
- 3.4. Subsection 125(5) of the act makes it an offence for every person performing professional or official duties with respect to children to fail to report a child who, they suspect, is or may be in need of protection. The suspicion and the information upon which that suspicion is based, must be reported to the Children's Aid Society immediately.

Individuals in schools who perform professional or official duties with respect to children include all staff employed by the Limestone District School Board; an operator or employee of a childcare; and health care professionals.

- 3.5. As per subsection 125 (6) if such professionals obtain information, in the course of performing their professional or official duties, that leads them to suspect that a child is or may be in need of protection, they must report this suspicion. If they do not report the suspicion, they are liable, upon conviction of the offence, to a fine of up to \$5000.
- 3.6. Under Section 125 of the Child, Youth and Family Services Act, the duty of a professional or official to make a report overrides the provisions of any other provincial statute, including those legislative provisions that would otherwise prohibit the professional or official from disclosing confidential or privileged information. In other words, staff must report that they suspect that a child is or may be in need of protection even if they believe that the information to be used to support the report is supposed to be confidential or privileged.



- 3.7. Subsection 125 (10) provides that no action for making a report will be instituted against a person who acts in accordance with the duty to report in Section 125, unless the person acts maliciously or without reasonable grounds for the suspicion.
- 3.8. Under clause 35(1) (a), it is the responsibility of the Children's Aid Society to investigate allegations or evidence that a child is or may be in need of protection. In addition, it is the responsibility of the Children's Aid Society that receives a report under section 125 to, as soon as possible, carry out an assessment and verify the reported information, or ensure that the information is assessed and verified by another Children's Aid Society.
- 3.9. The Investigative Team (Children's Aid Society and Police) should advise the Director of Education or their designate whenever a "failure to report" charge is laid against a school employee.

4. School Board Procedures

- 4.1. Any staff member of the board who suspects that a child is, may have been, or is likely to be in need of protection, must contact the Children's Aid Society immediately and make the report directly.
- 4.2. The employee making the report shall advise the Principal or designate as soon as practical.
- 4.3. If neither the Principal/designate is available, the employee may consult with either the Superintendent, the Director or the Director's designate.
- 4.4. The Director and the Director's designate, in any contracts for the provision of services to students, shall require that the service provider recognize the legislated responsibility of its contracted employees to report to the Children's Aid Society, the belief that a child is or may be in need of protection.
- 4.5. The service provider shall review the duty to report with the service provider's employees who are providing service to Limestone District School Board students



on at least an annual basis.

- 4.6. School personnel should not conduct an investigation regarding their suspicion or any disclosure from a child and should question the student only to verify the nature of the concern or disclosure. It is not the staff member's responsibility to prove that the child is in need of protection.
- 4.7. After a report has been made to the Children's Aid Society, the parent/guardian should not be notified until there has been consultation with the Children's Aid Society.
- 4.8. The Children's Aid Society may conduct an interview with a student at their school with the prior consent of at least one of the parents. However, the investigation team of the Children's Aid Society may determine that it is in the child's best interest for the interview to take place without the prior consent of the parents. In these situations, the Principal will permit an interview to take place at the school without prior parental consent.
- 4.9. The staff member will clarify with the Children's Aid Society as to whether or not there will be same day response in the school and/or whether or not the student can be dismissed from school at the end of the day.
- 4.10. While the child is in the school, the Principal/designate or the staff member shall ask the child if they would like an adult to remain with them as support. Let the child know who is available to them. Respect the child's wishes. The child may or may not want a support person present during the interview.
- 4.11. The person having the suspicion or receiving the information or disclosure that a child may be in need of protection, should keep documentation. The documentation should be factual, including dates and times and contain no opinions. It should be noted that such records and documentation are Limestone District School Board documents and, at a later date, may be subject to review by a court during a criminal or civil proceeding. Under no circumstances should any documentation be inserted in the OSR.



- 4.12. The Children's Aid Society and/or Police will endeavor to inform the school with respect to: actions taken as part of an ongoing family services case, current placement arrangements for the child(ren), any access restrictions that are in effect and any other information deemed necessary to support the child(ren) within the home and school settings. The school is encouraged to seek further information it requires from the Children's Aid Society to assist in this process.
- 4.13. Where a change in administration within a school occurs, every opportunity will be attempted by the outgoing Principal to inform the incoming Principal of current investigations being conducted by the Children's Aid Society and/or Police.
- 4.14. Staff members of Limestone District School Board are required to cooperate fully with the Children's Aid Society and the Police in their investigation.

5. Alleged Offender a Board Employee

- 5.1. When a Board employee is alleged to have been the offender, the procedures set out in this procedure applies but there are certain additional requirements.
- 5.2. In Ontario, under the Child, Youth and Family Services Act, every person, who has reasonable grounds to suspect a child may be in need of protection, is obliged to forthwith report the suspicion and the information upon which it is based to a Children's Aid Society.
- 5.3. The person receiving the disclosure or having the suspicions will inform the Principal of any suspicions of disclosure. Where the allegation involves a Principal, the person should inform the School Superintendent of Education and the Superintendent of Human Resources.
- 5.4. Additionally, the Principal will immediately inform the Superintendent or Director's office to confirm that a call to the Children's Aid Society was made. If the Superintendent is contacted, they will inform the Director of Education directly. Consultation shall not unduly delay the report to the Children's Aid Society.



- 5.5. Upon notice of an allegation against an employee of the Board, which the Director believes to be serious, the Director/designate shall remove the employee from direct unsupervised contact with students.
- 5.6. Once the report to the Children's Aid Society has been made, no further investigation of the staff member will take place until specific instructions are received from the investigating Children's Aid Society worker.
- 5.7. After a report has been made to the Children's Aid Society, the parent/guardian should not be notified until there has been consultation with the Children's Aid Society.
- 5.8. Once a disclosure has been made, the disclosing student will not be questioned by any other school staff, nor shall any other inquiries be made until directions are received from the investigating Children's Aid Society.
- 5.9. After consultation with the Children's Aid Society and the School Superintendent, the Principal shall inform the employee that a report has been made and inform the employee of the right to contact their union or association for assistance and advice.
- 5.10. The Principal, Supervisor or Superintendent shall not interview the employee prior to the investigation by the Children's Aid Society staff. At the conclusion of such investigation, the Children's Aid Society will advise the Director of the outcome of the investigation. The Children's Aid Society letter will inform the Director of Education of their findings and next steps as required.
- 5.11. After the Children's Aid Society has made a determination regarding an investigation of an employee, the Superintendent/Principal will meet with the employee and discuss the allegation. If disciplinary action will be taken, the employee is advised to bring a union representative.

Administrative Procedure 341

Child in Need of Protection



Reference:

Child, Youth and Family Services Act (April 30, 2018)

Policy/Program Memorandum No. 9-Duty to Report Children in Need of Protection

The Education Act and Regulations Ontario College of Teachers Act