

Administrative Procedure 341

Child in Need of Protection

1. Purpose

All staff members in the district have a duty to act in a child's best interests if they are aware of any harm to a child. The health and well-being of all students is a shared responsibility and commitment among parents or guardians, district staff members and the Children's Aid Society (CAS).

This administrative procedure outlines the legal obligations for all staff members in relation to a child in need of protection. This procedure establishes a set of guidelines for the reporting of suspected child abuse or neglect.

2. Definitions

- 2.1 Child: Under the *Child and Family Services Act*, a child is a boy or girl under the age of sixteen.
- 2.2 Child in Need of Protection: A definition of a "child in need of protection" is found in subsection 72 (1) of the *Child and Family Services Act*. The definition is quoted in Appendix A.
- 2.3 Reasonable Grounds: Reasonable grounds are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would suspect.

3. Duty to Report

- 3.1 In situations where a teacher, school administrator or any other district staff member has reasonable grounds to suspect that a child may be in need of protection, that person shall immediately report the suspicion and the information on which it is based to a Children's Aid Society.
- 3.2 A staff member does not need to be sure that a child is or may be in need of protection to make a report to the Children's Aid Society. The requirement is to report if there are reasonable grounds to suspect abuse or neglect.
- 3.3 Every person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a Children's Aid Society, and must not rely on anyone else to report on his or her behalf.
- 3.4 The duty to report cannot be delegated to, or assumed by anyone else, including a principal or vice-principal, professional support staff member or senior administrator. The individual may request the presence of any of these staff members while making the report to the CAS.

- 3.5 The *Child and Family Services Act* recognizes that persons working closely with children have a special awareness of the signs of child abuse and neglect and a particular responsibility to report their suspicions. Because of this, the *Act* makes it an offence for those who perform professional duties with respect to children to fail to report. If a teacher or principal fails to report information about the abuse or neglect of a child, where the information on which that suspicion is based was obtained in the course of professional duties, he or she is liable on conviction to a fine of up to \$1000.
- 3.6 The duty to report child abuse or neglect overrides obligations under other legislation. A person with professional duties must report that a child is or may be in need of protection even when the information is considered to be confidential. A person who is a member of the College of Teachers must report on suspected sexual abuse of a student by another member of the College. There is no need to provide the other member of the College with a copy of this adverse report or any information about the report, as is usually required under the Regulation Made Under the Teaching Profession Act, subsection 18 (1).
- 3.7 No action for making a report about suspected child abuse or neglect shall be instituted against the person making the report, unless the person acted maliciously or without reasonable grounds for the suspicion.
- 3.8 The duty to report is an ongoing obligation. If a person has made a report about a child to a 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 CAS.
- 3.9 The legal duty to report suspected abuse to the CAS under the *Child and Family Services Act* applies when alleged victims are under the age of 16 or were under the age of 16 when the alleged abuse occurred.

4. **Staff Members Do Not Investigate**

- 4.1 School personnel must not probe for evidence or conduct an investigation regarding the suspicion or disclosure about child abuse. Staff members should question the student only to clarify the nature of the complaint.
- 4.2 It is not the staff member's responsibility to prove the validity of a suspicion or a disclosure. School personnel must avoid interfering with the investigative process. The social workers at the Children's Aid Society will evaluate each situation individually to determine if a child is in need of protection and, if so, how to best protect the child.

5. Consultation

- 5.1 Consultation with the CAS is available if a staff member is unsure whether the circumstances constitute “reasonable grounds to suspect”, and, therefore, whether or not a report should be made. In such consultation, the staff member would introduce himself or herself and explain the situation without giving names or other identifying data about the child. The staff member can receive expert advice without making a referral or requiring any follow-up by the CAS.
- 5.2 It is important to remember, however, that the onus remains on the staff member to make the decision as to whether or not to reveal the child’s identify and make a report to the CAS.

6. Preparing to Make the Report

Before the staff member makes the report of suspected abuse or neglect to the Children’s Aid Society he or she will prepare up-to-date information about the student and details about the referral. The CAS will require this information. Form F341-1 Reporting a Child in Need of Protection describes the details to be reported:

- (a) the name of the school, child and parents;
- (b) the parents’ address and phone number;
- (c) child’s date of birth;
- (d) names and ages of siblings;
- (e) date and time of the concern;
- (f) the specific nature of the concern and description of the allegation or incident;
- (g) the type of child abuse suspected by the staff member;
- (h) any statement made by the child to the staff member;
- (i) other related information; and
- (j) the name and position of the reporting person.

7. Reporting

- 7.1 As the safety and protection of the student is the paramount concern, the person reporting to the CAS should inform the worker of any of the child’s family circumstances, such as suspected abuse of the woman in the home, which may help in the investigation. In addition, the following questions should be asked:
- 7.1.1 How and when should the parents be contacted?
 - 7.1.2 Will the child be interviewed?
 - 7.1.3 Will the investigators go to the home or the school, and when will they be investigating or consulting?
 - 7.1.4 May the child go home at lunch or after school if the interview has not yet taken place?
 - 7.1.5 What information can be shared with the child and his/her parents if the interview has not yet taken place?

- 7.2 The staff member will notify the principal as soon as possible that a report has been made to the CAS.
- 7.3 Documentation of concerns about a child is of great importance in helping to clarify the situation and is critical to the CAS in the society's response to the report. Form F341-1 Reporting a Child in Need of Protection shall be completed by the staff member who made the report to the CAS at the earliest possible time thereafter. The principal will send a copy of the report to the superintendent responsible.
- 7.4 If a staff member is advised by the Children's Aid Society worker that the suspicion or disclosure that has been reported does not warrant an investigation, the staff member shall record the worker's name, the date and the time of the report.

8. Supporting the Student

- 8.1 The staff member will let the student know of the staff member's requirement to report and describe what will happen next in an age-appropriate way. For example, a teacher might say to a child, "I know someone who can help you. I've asked her to come and talk to you." It is important to provide support to the child and address any concerns, especially those related to safety.
- 8.2 If the child is to be interviewed at the school, the staff member should have a trusted person stay with the student until the CAS or police arrive.
- 8.3 The student may wish to have a support person present during the interview as well. Advise the CAS worker or police officer and seek permission for this. If possible, the support person should be an adult person of the child's choosing.

9. Notifying Parents/Guardians

- 9.1 Once a report is received by the CAS, the CAS social worker will develop a strategy for informing the parents or guardians.
- 9.2 Prior to notifying the parents or guardians that a report has been made, consultation will occur between the principal and the CAS worker who is doing the investigating to determine, when, how, and by whom the parents or guardians will be notified.

10. The Investigation

- 10.1 The Children's Aid Society has prime responsibility for the evaluation and protection of the child. The police have prime responsibility for investigation of the offence and the identification of the alleged offender.

10.2 The investigation team of the CAS and/or police will:

10.2.1 interview the reporting person;

10.2.2 decide on the proper procedure for interviewing the child as soon as possible, including whether the abuse investigations and child interviews will be conducted on school premises;

10.2.3 make the initial contact with the parents or guardians; and

10.2.4 provide information to the principal about the strategy for conducting interviews.

11. Follow-up with Children's Aid Society

11.1 The Children's Aid Society worker will provide the principal with sufficient information, as the investigation progresses and subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*, to enable school personnel to support the child and to continue the relationship between home and school.

11.2 If the principal is not satisfied or certain that the child has been protected, then the principal may also contact the superintendent responsible.

12. Essential Communications

12.1 Principals shall remind all staff members of their duty to report directly to the Children's Aid Society when they have any concerns that a child is in need of protection. This notification should be an agenda item at the first staff meeting each school year and be included in the staff handbook. Care must be taken to ensure that new staff members are aware of their obligations under the *Child and Family Services Act*.

12.2 It is the responsibility of the principal to notify the Children's Aid Society when a child who is known to have been reported as being at risk or found to be in need of protection has transferred schools or moved to another school board.

APPENDIX A

“Child in Need of Protection”
Subsection 72 (1) of the *Child and Family Services Act*

72. (1) **Duty to report child in need of protection** - 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:

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 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.
3. 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.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
5. 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.
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 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.

8. 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 6 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 i, ii, iii, iv, or v of paragraph 6 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.
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, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. 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.
12. 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.
13. 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.

Legal References:

Child and Family Services Act

Criminal Code of Canada

Education Act

Regulation Made Under the Teaching Profession Act

Municipal Freedom of Information and Protection of Privacy Act

Renfrew County District School Board References:

Police/School Board Protocol

AP 342 - Family Violence

Guidelines for Identifying, Reporting, and Helping the Abused Child, January 2001

Form F341-1 Reporting a Child in Need of Protection