
**MOOSE FACTORY ISLAND
DISTRICT SCHOOL AREA BOARD**

ADMINISTRATIVE PROCEDURE NO. 325	
Effective	
Revision Date	

REPORTING CHILD ABUSE

PURPOSE

Moose Factory Island District School Area Board expects that the care, safety, welfare and security of each student will be given priority by all staff members.

This administrative procedure has been developed to ensure that any staff member who has reasonable grounds to suspect that a child is or may be in need of protection, as defined by the *Child and Family Services Act*, shall promptly report the suspicion and all the information upon which it is based to Payukotayno: James and Hudson Bay Family Services. (PJHBFS)

DEFINITION

Child—Under the *Child and Family Services Act*, a child is a boy or girl under the age of sixteen.

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 at the end of this procedure.

Reasonable Grounds—Reasonable grounds are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would suspect.

PROCEDURE**1. Staff Responsibilities**

- 1.1. All staff members in the Moose Factory Island District School Area Board shall be alert to early recognition and identification of a child in the school environment that may be in need of protection. The board’s administrators, through consultation with Payukotayno: James and Hudson Bay Family Services, shall provide awareness about the approved procedures for all staff members.
- 1.2. All staff members shall co-operate with representatives of Payukotayno: James and Hudson Bay Family Services and/or the police, who have the responsibility to investigate allegations or evidence of a child in need of protection.

1.3. All staff members shall advise the principal when a report is made to Payukotayno: James and Hudson Bay Family Services.

1.4. Action taken and related observations are to be documented and stored by the staff member in accordance with the Procedural Appendices which follow.

2. Duty to Report

2.1. 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 Payukotayno: James and Hudson Bay Family Services.

2.2. 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 CAS.

2.3. The staff member must make the report directly to Payukotayno: James and Hudson Bay Family Services, and must not rely on anyone else to report on his or her behalf. 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 a support person while making a report to the CAS.

2.4. 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, principal, or other board employee 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.

2.5. 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).

2.6. 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.

2.7. The duty to report is an ongoing obligation. If a person has made a report about a child to Payukotayno: James and Hudson Bay Family Services 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 PJHBFS.

- 2.8. The legal duty to report suspected abuse to PJHBFS 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.

3. Staff Members Do Not Investigate

- 3.1. School personnel must not probe for evidence or conduct an investigation regarding the suspicion or disclosure about child abuse. Staff members may question the student only to clarify the nature of the complaint. With younger children who have disclosed abuse, it is especially important to draw them out gently or they may refuse to speak about the issue to the CAS workers or anyone who could help.
- 3.2. 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 Payukotayno: James and Hudson Bay Family Services will evaluate each situation individually to determine if a child is in need of protection, and if so, how to best protect the child.

4. Preparing to Make the Report

- 4.1. Before the staff member makes the report of suspected abuse or neglect to Payukotayno: James and Hudson Bay Family Services he or she will prepare information about the student and details about the reason for the referral. The CAS will require this information.
- 4.2. Form ADMIN 325-03 PJHBFS Referral Form describes the details to be reported. The form is found in the Procedural Appendices which follow. This form is an example; its use is not mandatory.
- 4.3. Important additional information about reporting, confidentiality, record keeping, storage and retention of records is found in the Procedural Appendices.

5. Related Issues

- 5.1. As the safety and protection of the student is the paramount concern, the person reporting to Payukotayno: James and Hudson Bay Family Services will inform the worker of any of the child's family circumstances, such as suspected abuse of another family member, which may help in the investigation.
- 5.2. It will also be helpful for the school to get answers to these questions:
- a) How and when will the parents be contacted?
 - b) Will the child be interviewed?
 - c) Will the investigators go to the home or the school?
 - d) When will the CAS be investigating or consulting?
 - e) May the child go home at lunch or after school if the interview has not yet taken place?
 - f) What information can be shared with the child and parents if the interview has not yet taken place?

- 5.3. If a staff member is advised by Payukotayno: James and Hudson Bay Family Services 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.

6. Supporting the Student

- 6.1. Depending upon the age of the student, the staff member may let the student know of the staff member's requirement to report. The staff member may 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, retain the child's trust, and address any concerns, especially those related to safety.
- 6.2. If the child is to be interviewed at the school, the staff member should have a trusted person stay with the student until PJHBFS or police arrive.
- 6.3. 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 of the child's choosing.
- 6.4. Additional information about documentation of visits to the school by Payukotayno: James and Hudson Bay Family Services or the police is provided in the Procedural Appendices which follow.
- 6.5. Form ADMIN 325-01 PJHBFS Visits to Schools and Form ADMIN 325-02 Police Visit to Schools may be used for the documentation of such visits. The forms are found in the Procedural Appendices. The forms are examples; their use is not mandatory.

7. Notifying Parents/Guardians

- 7.1. Once a report is received by Payukotayno: James and Hudson Bay Family Services, the CAS social worker will develop a strategy for informing the parents or guardians.
- 7.2. 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.

8. The Investigation

- 8.1. Payukotayno: James and Hudson Bay Family Services 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.
- 8.2. The investigation team of the Payukotayno: James and Hudson Bay Family Services and/or police will:
- a) interview the reporting person;

- b) decide on the proper procedure for interviewing the child as soon as possible;
- c) decide whether the abuse investigations and child interviews will be conducted on school premises;
- d) make the initial contact with the parents or guardians; and
- e) provide information to the principal about the strategy for conducting interviews.

9. Follow-up with Payukotayno: James and Hudson Bay Family Services

- 9.1. Payukotayno: James and Hudson Bay Family Services worker will provide the principal with sufficient information, subject to the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*, to enable school personnel to support the child.
- 9.2. If it is not apparent that an investigation has commenced within a reasonable time, the principal will contact Payukotayno: James and Hudson Bay Family Services to ascertain the status of the case.
- 9.3. If the principal still has concerns that the child is not being protected, the principal will contact the appropriate superintendent.

10. Essential Communications

- 10.1. Principals shall remind all staff members of their duty to report directly to Payukotayno: James and Hudson Bay Family Services when they have any concerns that a child is in need of protection. It is an effective practice to make this notification an agenda item at the first staff meeting each school year.
- 10.2. Care must be taken to ensure that new staff members are aware of their obligations under the *Child and Family Services Act*.
- 10.3. It is the responsibility of the principal to notify Payukotayno: James and Hudson Bay Family Services 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.
- 10.4. It is the responsibility of the principal to notify the appropriate superintendent if the focus of the report is in regards to abuse by an employee of the Moose Factory Island District School Area Board.

Legal References:

Education Act, section 265, Duties of Principal: Care of Pupils

Child and Family Services Act

Ontario Regulation 437/97 Professional Misconduct under the *Ontario College of Teachers Act*

Regulation Made Under the Teaching Profession Act, subsection 18 (1)

Municipal Freedom of Information and Protection of Privacy Act

Criminal Code of Canada

Board References:

Board Policy GOV-01 Mission, Vision, and Values
Board Policy GOV-09 Safe Schools: Code of Conduct
Form ADMIN 325-01 PJHBFS Visits to Schools
Form ADMIN 325-02 Police Visit to Schools
Form ADMIN 325-03 PJHBFS Referral Form

Reporting Child Abuse Procedural and Information Guide Appendices

APPENDIX A: Reporting and confidentiality

Reporting to the principal

All staff members shall, as soon as possible, advise the principal or designate when a report is made to Payukotayno: James and Hudson Bay Family Services. Action taken and related observations are to be documented by the staff member, according to this procedure.

Confidentiality

Any information concerning suspicions or confirmation of child abuse and/or a child in need of protection is privileged and must be kept confidential. However, in accordance with the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, parents/guardians may request records and notes pertaining to their child. If an individual receives a request to disclose the contents of his/her notes or to disclose the school's file, he or she shall consult with a superintendent prior to disclosing any information.

These requests may be made verbally, in writing, or through a subpoena from the following sources:

- Payukotayno: James and Hudson Bay Family Services
- child's parent/guardian or his/her lawyer.
- student over the age of 18.
- outside social worker or psychologist who is making a report or conducting an assessment in custody and access proceedings.
- lawyer retained to act as the legal representative of the child.
- lawyer retained by an individual who faces criminal charges.
- police or Crown Attorney's office with regard to the prosecution of a criminal charge.

The duty to release information varies depending on the source of the request. **Contact the supervisory officer** before disclosing any information.

APPENDIX B: Documentation of PJHBFS/police visits to the school

It is expected that all visits by CAS workers to the school will be documented. Records of visits must be made in a binder/notebook that is separate from the regular visitor sign-in log. This binder/notebook must be kept in a secure place in the main office. For ease of access to information about a specific child, it is advisable to keep separate sheets of information for each visit made by the CAS or police on behalf of a child.

Refer to Form ADMIN 325-01 PJHBFS Visits to Schools and Form ADMIN 325-02 Police Visits to Schools.

APPENDIX C: Record keeping

An individual must keep original, unedited notes of observations that lead him/her to suspect child abuse or that a child is in need of protection. The purpose of taking notes is to assist the individual in providing information to the CAS and to assist in recalling information, if an individual is required to testify in court at a later date. Keeping appropriate records also protects an

individual against an allegation and/or charge of having failed to report. Any notes can be subpoenaed.

Information pertaining to record keeping

- An individual's first recording of the facts is the record. Individuals must not make a rough copy and then write it over in good copy or edit any of the original notes.
- Entries must be made in chronological order.
- Handwritten records must be legible.
- **Records:**
 - must be concise and **factual** (i.e., the records need to reflect direct observations of what was seen and what was heard).
 - must be signed and dated, indicating the individual's position.
 - should include what the child or others said, using their own words.
 - must include a full description of any visible injury including size, colour, shape, and placement on the body.
 - must include the name of the child protection worker/police officer with whom the individual spoke and any advice/directions given.
 - must be recorded immediately - when the event occurs or as soon as possible thereafter.
- Subsequent alterations to the original notes (e.g., corrections or additions) must be initialed, dated and signed with the original notes left intact.
- If changes to the original notes are not initialed, signed and dated the individual will not be able to refer to them in court.
- A new entry must be started if, at a later date, there is new information or further suspicions of abuse.
- Items that are relevant should not be omitted simply because they are embarrassing or uncomplimentary.

Refer to Form ADMIN 325-03 CAS Referral Form.

APPENDIX D: Storage and retention of records

Notes pertaining to a child shall be stored in a separate file by the person who recorded the notes. **These notes are not stored in the student's Ontario Student Record (OSR).** Notes pertaining to a child and binders/notebooks used for CAS/police log-ins pertaining to a child should be kept for at least one year after the last use. It is important to keep separate sheets of information about individual students.

Forms
Form ADMIN 325-01 PJHFS Visits to School

Name of PJHBFS Worker	Child Visited	Child's Date of Birth	Signature of CAS Worker and Date
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Form ADMIN 325-02 Police Visits to School

Name of Police Officer	Badge Number	Reason for Visit	Signature of Police Officer and Date
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Form ADMIN 325-03 PJHBFS Referral Form

***A Framework for Principals/Designates/Staff Members/Service Providers
To Provide Information to the CAS***

Name of PJHBFS Worker	Child's Name /Date of Birth	Child's Address /Phone Number	Parent's Names, Phone Number(s) and Address(es)	Date and time principal/ designate was notified of CAS contact
Reason for this report to PJHBFS (refer to <u>Information about Record Keeping</u>)			Action Taken	
Signature			Date	

**PLACE INFORMATION IN A PERSONAL AND CONFIDENTIAL FILING SYSTEM.
DO NOT PLACE INFORMATION IN A STUDENT'S ONTARIO STUDENT RECORD (OSR).**

NOTE: The principal/designate needs only to document that a call has been made to the CAS when made aware of this information by a staff member or service provider.

Child in Need of ProtectionSubsection 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.