

Procedure Section:	Safety
Procedure Title:	Reporting Child Abuse
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Definitions

CHILD AND FAMILY SERVICES ACT

“Child” means a person under the age of sixteen years of age, or if in the care of a Family and Children’s Service (Children’s Aid Society) under the age of eighteen years.

A child is “in need of protection” where a child has suffered or there is a risk that the child is likely to suffer,

- physical harm inflicted or caused by the person having charge of the child or result from the person’s negligence;
- sexual molestation or exploitation inflicted or caused by the person having charge of the child or resulting from that person’s negligence;
- physical harm or suffering resulting from failure to provide or consent to medical treatment by the person having charge of the child;
- emotional harm demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour or delayed development resulting from neglect of the child’s parent or person in charge of the child;
- (The above definitions have been summarized from the Child and Family Services Act. Appendix A contains the actual extracts from the Act.).

“**Child abuse**” is any form of physical harm, emotional deprivation, neglect, or sexual maltreatment which can result in injury or psychological damage to a child. The four categories of child abuse are described below. (More information on child abuse is provided in Appendix D.).

“**Physical abuse**” occurs when the person(s) responsible for the child’s care, inflicts or allows to be inflicted any injury upon the child. Behavioural or physical indicators (see Appendix E) may be helpful in offering clues that a child may have been abused.

“**Sexual abuse**” refers to the use of a child or youth by an adult for sexual purposes whether consensual or not. Sexual abuse can also occur among children or youth where there is lack of consent, or, among children even with consent, where there is an age gap of more than two years.

“Emotional abuse” or psychological maltreatment occurs when the person(s) responsible for the child’s care either subjects the child to or permits the child to be subject to, chronic and persistent ridiculing or rejecting behaviour.

“Neglect” is the result of serious inattention or negligence on the part of a child’s care giver to the basic physical and emotional needs of the child. Child neglect may be easily confused with poverty or ignorance or may be associated with parents who are overwhelmed with other problems. However, because chronic neglect results in physical and emotional harm to a child, it cannot be ignored, whatever its cause. Neglect occurs when the person(s) responsible for the child’s care jeopardizes that care or well-being through deprivation of necessities.

“Forthwith” means immediately, without delay.

“Reasonable Grounds” means a set of facts or circumstances that would cause a person to form a strong belief.

“Representative of the Board” is an adult who is approved by the Board, Supervisory Officer, or principal, to be present and/or assist in a school/facility. This person is not paid a wage or salary by the Board, (i.e., volunteers, college students on placement, student teachers).

1. PROCEDURE FOR REPORTING CHILD ABUSE WHERE THE ALLEGED ABUSER IS NOT AN EMPLOYEE OR REPRESENTATIVE OF THE BOARD

(Employees or representatives who are not sure as to whether the information they have requires a report to the Renfrew County Family and Children’s Services shall consult with the Renfrew County Family and Children’s Services for advice and direction. They shall also advise the appropriate Board Superintendent.)

1.1 The employee/representative who has reasonable grounds to suspect abuse has occurred or is occurring shall forthwith report such incidents as follows:

- a) Pupil under 16 years of age or under 18 and a ward of the Children’s Aid Society (C.A.S.): Contact the RENFREW COUNTY FAMILY AND CHILDREN’S SERVICES: 613-735-6866
- b) Pupil 16 years of age and up to 18 years: Contact the Police Services.
- c) Pupil 18 years of age or older: The employee/representative of the Board, to whom a disclosure is made, is encouraged to support the pupil in reporting the incident/situation to the Police Services. (NOTE: if the alleged abuser is currently in a position with access to children under the age of 16, the statutory duty to report to the Renfrew County Family and Children’s Services will be required, regardless of the age of the particular student alleged to have been abused.)

1.2 **After** calling the C.A.S. or Police Services the employee/representative shall

forthwith:

- a) complete the child abuse reporting form as far as possible;
 - b) inform the principal/supervisor that a report has been made;
 - c) obtain the signature of the principal/supervisor on the completed child abuse reporting form;
 - d) mail a copy of the completed child abuse reporting form to Children's Aid Society or Police Services;
 - e) distribute copies of the completed child abuse reporting form to others, as indicated on the form, i.e., Director/designate;
 - f) retain one copy of the completed child abuse reporting form for self.
- 1.3 The principal shall file a copy of the completed child abuse reporting form in the in-school file: "Child Abuse Reporting".
- 1.4 The principal/supervisor and the person reporting shall keep a written account of any pertinent facts relating to the incident including:
- person reporting,
 - time, date and place of reporting,
 - what the person reporting stated the child reported to him or her,
 - ongoing observations,
 - additional contacts with the C.A.S./Police Services.

(These written facts shall be made available, upon request, to the C.A.S., Police Services, the Director/Designate, and legal counsel for the employee/representative and Board.)

(NOTE: If needed, legal counsel is provided for the employee/representative of the Board, who reports the alleged abuse through the School Superintendent.)

- 1.5 The employee/representative making the report and the principal/supervisor shall co-operate with the investigating agency(ies), i.e., C.A.S./Police Services.
- 1.6 The employee/representative who made the report, where possible, shall be kept informed of the proceedings.
- 1.7 The duty to report is an ongoing duty. In the event that the employee/representative who made the initial report has reasonable grounds to suspect that additional abuse has occurred, or abuse is continuing to occur the employee/representative has a duty to forthwith report such additional or subsequent suspected abuse in the manner laid out above.

2. PROCEDURE FOR REPORTING CHILD ABUSE WHERE THE ALLEGED ABUSER IS AN EMPLOYEE OR REPRESENTATIVE OF THE BOARD

In cases where a pupil is alleged to have suffered abuse by an employee, or a person representing the Board, the procedures are based on complying with the relevant legislation and with the following principles:

- a) the Board's paramount purpose is to promote the best interests, protection and well-being of children,
- b) where an employee or person representing the Board is the alleged offender, this person is entitled to:
 - the right to have representation,
 - the presumption of innocence,
 - confidentiality insofar as it is possible,
 - a fair hearing

2.1 The employee/representative who has reasonable grounds to suspect abuse has occurred or is occurring shall forthwith report such incidents:

- a) Pupil under 16 years of age or under 18 and a ward of the Children's Aid Society (C.A.S.): Contact the Renfrew County Family and Children's Services: 613-735-6866
- b) Pupil 16 years of age and up to 18 years: Contact the Police Services.
- c) Pupil 18 years of age or older: The employee/representative of the Board, to whom a disclosure is made, is encouraged to support the pupil in reporting the incident/situation to the Police Services. (NOTE: if the alleged abuser is currently in a position with access to children under the age of 16, the statutory duty to report to the Renfrew County Family and Children's Services will be required, regardless of the age of the particular student alleged to have been abused.)

2.2 **After** calling the C.A.S. or Police Services the employee/representative shall forthwith:

- a) complete the child abuse reporting form as far as possible;
- b) inform the principal/supervisor that a report has been made;
- c) obtain the signature of the principal/supervisor on the completed child abuse reporting form;
- d) mail a copy of the completed child abuse reporting form to Children's Aid Society or Police Services;
- e) distribute copies of the completed child abuse reporting form to others, as indicated on the form, i.e., Director/designate;
- f) retain one copy of the completed child abuse reporting form for yourself.

2.3 The principal shall:

- a) forthwith advise the Director/designate of the situation; and
- b) file a copy of the completed child abuse reporting form in the in-school file: "Child Abuse Reporting".

2.4 The principal/supervisor and the person reporting shall keep a written account of any pertinent facts relating to the incident including:

- person reporting,
- time, date and place of reporting,
- what the person reporting stated the child reported to him or her,
- ongoing observations,
- additional contacts with the C.A.S./Police Services.

(These written facts shall be made available, upon request, to the C.A.S., Police Services, the Director/Designate, and legal counsel for the employee/representative and the Board.) (NOTE: If needed, legal counsel is provided for the employee/representative of the Board, who reports the alleged abuse through the School Superintendent.)

2.5 The employee/representative making the report and the principal/supervisor shall co-operate with the investigating agency(ies), i.e., C.A.S./Police Services.

2.6 The employee/representative who made the report, where possible, shall be kept informed of the proceedings.

2.7 The duty to report is an ongoing duty. In the event that the employee/representative who made the initial report has reasonable grounds to suspect that additional abuse has occurred, or abuse is continuing to occur the employee/representative has a duty to forthwith report such additional or subsequent suspected abuse in the manner laid out above.

APPENDIX A: Child Abuse Reporting Legislation

CHILD AND FAMILY SERVICES ACT

Duty to report child in need of protection

72. (1) 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. 1999, c. 2, s. 22 (1).

Ongoing duty to report

(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child. 1999, c. 2, s. 22 (1)

Person must report directly

(3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on his or her behalf. 1999, c. 2, s. 22 (1).

APPENDIX B: Response to Abuse Disclosure

What to do if a child discloses sexual abuse. (Suggestions for School Personnel from the CAS)

Child abuse is a scary thing for many people, including teachers. When a child discloses that s/he is being harmed, the child is depending on you, the teacher/professional. Most disclosures are made to people whom the child trusts. Like it or not, you have been chosen by that child as someone who can be trusted and who can help. Above all, remember that this is a child who needs to be supported and believed, and that you can provide that support and belief.

If the child discloses to you:

- Try to stay calm.
- Reassure and support the child.
- Statements like the following may be appreciated but are not necessary. Make sure you demonstrate your support by speaking softly and warmly. Let the child talk, just be a supportive listener:
 - "I'm glad you told me; you did the right thing.
 - It's not your fault.
 - You're not alone, this happens to other children.
 - I have to tell some people (a social worker and a police officer) that this has happened. They will want to ask you some questions. They can help to make sure you're safe." (Remember, you can acknowledge how the child feels about this, but you cannot give her/him a choice.)

- Tell the child that what you have been told concerns you and that you want to call someone you know that can help the child. Make sure you include that you are going to be with the child if that is what is wanted.
- You should not ask for many details - that is the job of the trained professionals, the Children's Aid Society and the Police.

After the disclosure:

- Talk to a colleague or someone you trust about your feelings. Disclosures are never easy to handle. You also need support.
- Ask for the name of the Children's Aid Society's counsellor and his/her supervisor.
- Feel free to call the Children's Aid Society's counsellor to find out the status of the assessment, the actions taken, to give further information, or to ask for advice on how to deal with the child.
- Keep communication open with the child who will require ongoing support.
- Respect the child's right to privacy by not identifying her/him to other staff.

Do not delay in making a report. Remember, if you suspect a child has been abused in any way, you are legally responsible for ensuring that a report is made to the children's aid society.

Renfrew County Family and Children's Services
77 Mary Street, Pembroke, Ontario K8A 5V4
613-735-6866

APPENDIX C: Child Abuse Reporting Guidelines

1. Children reporting abuse (particularly sexual abuse) should be presumed to be telling the truth and bear no responsibility for their involvement regardless of time or circumstances.
2. Documentation of concerns about a child is of great importance in helping to clarify the situation and is critical in the response to a report. This should include name, address, date of birth, incidents which precipitated the report, present condition of the child, siblings and any other relevant data.
3. Family and Children's' Services offers a consultative service and should be contacted if there are concerns about the child and/or an uncertainty about the appropriateness of a referral.
4. It is not the school's responsibility to prove that the child has been abused, or to determine whether the child is in need of protection. Any personal interview or physical examination of the child should be carried out in the line of normal, daily observations and discussions only.
5. In any cases of abuse, where there is consequently a duty to report, employee may also seek the support and consultation of the principal and may request that the principal be present during the initial reporting interview. It is strongly recommended

that the principal be advised of the report as soon as possible, but that there is no delay in reporting to C.A.S. or police should the principal be unavailable.

6. Once abuse has been reported, treatment of the child, family and offender becomes the responsibility of the Family and Children's Services. School personnel can assist the child by continued support, encouragement and caring.
7. The compulsory reporting requirement in Section 72 of the Child and Family Services Act 1999 takes precedence over other existing legislation and school policies which prohibit interference with the child by the police or by other professionals without prior parental consent. Parental consent is not a requirement to interview the child and there can be circumstances in which parental involvement may jeopardize the investigation.
8. Initial contact of the parents is the responsibility of the Family and Children's Services [C.A.S.] and not of the school.
9. Care should be taken to ensure that the rights of both the accused and the child are respected.
- 10 No teacher who makes a report to the police, a Family and Children's Services (C.A.S.), or to school officials of suspected sexual misconduct by another teacher, has any obligation, prior to or upon making such a report, to inform the other teacher of that report or to provide that teacher with a written statement of the report. Section 18(1)(b) of the regulation under the Teaching Profession Act has no application to reports of sexual misconduct and the above reports of sexual misconduct are not "adverse reports" within the meaning of section 18 (1) (b).

Further, school employees and volunteers must ensure that they do not inadvertently interfere in any ongoing investigation by the police and the Family and Children's Services (C.A.S.). This may mean that they seek instructions or advice from investigators before informing the suspected person of details pertaining to the case.

APPENDIX D: Child Abuse Information

Child abuse is divided into four categories: Physical, Sexual, Emotional and Child Neglect.

Physical Abuse

Any form of injury or harm inflicted on a child.

This includes but is not necessarily restricted to physical beating or excessive corporal punishment: wounding, burning, kicking, shaking or throwing the child, use of a closed fist or instrument, poisoning or drugging the child. Physical abuse can be the result of one or two relatively isolated incidents or can be the result of a series of abusive acts that take place over a prolonged period of time.

Sexual Abuse

Sexual molestation or exploitation of a child.

This includes but is not necessarily restricted to the use of a child for sexual or erotic gratification performed with or without resistance on the part of the child and with or without accompanying physical abuse. Sexual abuse can range from permitting or exposing a child to sexual acts such as prostitution to actual molestation; including exposure, fondling or masturbation and intercourse; including incest and sexual assault. It also includes exploitation of children for pornographic purposes, including posing children for photographs which are sexual or erotic in content. Most sexual misuse of children occurs at home with persons known to the child. However, we must also acknowledge that sexual abuse can occur in multiple environments and can be initiated by other caregivers.

Emotional Abuse

A child's psychological development is at substantial risk because of a parent/caregiver's action or failure to act.

These actions include but are not necessarily restricted to ignoring or passively rejecting the child, overtly rejecting or "disowning" of the child, scapegoating, criticizing and making excessive or unreasonable demands of performance and competence for a child's age and ability; severe verbal abuse, threatening, constant yelling, withholding of comfort from an upset child; psychological terrorism (e.g., locking a child in a dark cellar or threat of mutilation).

Child Neglect

A child's growth and development are at substantial risk as a result of a parent/caregiver's acts of omission.

These actions include failure to provide for a child's basic needs and appropriate level of care with respect to food, clothing, shelter, medical attention, sleep, hygiene, safety, supervision and education.

APPENDIX E: Child Abuse Protocol

Police / C.A.S. Investigation

1. It is not the school's responsibility to prove that the child has been abused, or to determine whether the child is in need of protection. Any personal interview or physical examination of the child should be carried out in the line of normal, daily observations and discussions only.
2. Initial contact of the parents is the responsibility of the investigative team consisting of the Family and Children's Services (C.A.S.) and/or police and not of the school.
3. Family and Children's Services shall not reveal the name of the reporting individual without consent, unless that person's testimony is required in court.
4. The Family and Children's Services child protection worker has prime responsibility for protection of the child. This protection worker should go to the school as soon as possible, identify themselves, interview the child and determine how the parents will be contacted before the child is released from school. While the child is in the school,

the principal or designate, or support person should remain with and render assistance to the child and the investigative team.

5. If it is necessary to remove the pupil from the school for any purpose associated with the investigation, it is the responsibility of the investigating person to notify the parent or guardian.
6. The principal should receive feedback on the investigation, particularly as it relates to any further role in providing support to the child in the educational setting.
7. The principal shall report back to the employee who originated the report of abuse to inform the employee about the action taken.

Investigations on School Premises

The investigating team will take into consideration factors (age of child, location of offender, etc.) that influence where the most appropriate place for the interview will be.

1. There are three situations where abuse investigations may occur on school premises:
 - a) where an intra-familial abuse is disclosed at school and reported immediately by school personnel to the Children's Aid Society;
 - b) where an abuse is disclosed outside the school and the child protection worker - Police team wish to interview the child at school due to the safety of the school setting; and
 - c) where the abuse disclosure involves school personnel as alleged offenders. (Wherever possible, the investigating team will attempt to have the interview take place in a neutral setting, away from the school.)
2. In cases of extra-familial abuse, the investigating team in consultation with the principal will make arrangements for contacting the child's parent about the abuse prior to the child being interviewed. The investigating team will seek prior parental consent if it is deemed necessary to interview the child at school, encourage a parent to attend, and give the principal of the school sufficient advance notice of its desire to visit the school, and of the parents' consent to the interview.
3. Where the team has determined the best interests of the child require that an interview take place without the prior knowledge and in the absence of the parents, an interview will be conducted at the school without prior parental consent in the following situations:
 - a) the team is investigating a reported case of suspected abuse;
 - b) the team is of the opinion, having considered other locations of interview, that it would be in the best interest of the child for the interview to take place within the school;

The team will inform the parents of the interview before the student arrives home.

4. The team will ask the child if they wish to have their principal/teacher/school counsellor present at the interview in the school.
5. The team shall provide to the principal sufficient information, as the investigation

progresses to its conclusion, to enable school personnel to support the child and to continue the ongoing relationship between home and school. In particular, the team shall inform the principal as soon as possible:

- a) when school personnel may resume contact with one or both parents;
 - b) if the child is placed in the care of the C.A.S.;
 - c) whether or not child protection proceedings will be commenced;
 - d) whether or not criminal charges will be laid;
 - e) the existence and terms of any court orders regarding access by the parent(s) to the child;
 - f) if the investigation is delayed;
 - g) any other information which the team deems to be advisable.
6. Where the report involves a school employee as the alleged offender, the team will first contact the Director of Education or his/her designate and proceed with the investigation in co-operation with school board officials. School officials will not interview the alleged offender prior to the team's investigative interview. A school official will advise the individual that an investigation is about to take place and he/she may wish to seek advice from his/her federation/union when the team is about to interview the staff person. Once the Society has completed its investigation, a letter will be sent to the Director of Education and copied to the employee involved, clearly outlining what the conclusion of the abuse assessment was with regard to the school employee.

Related RCJTC Policy

P.03 Safety Policy

Related RCJTC Administrative Procedures

Related RCJTC Forms

F.03.25 Referral to Family & Children's Services