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## 1.0 INTRODUCTION

- 1.1 Child abuse/maltreatment, including, physical abuse/neglect, sexual abuse, emotional developmental and mental neglect, is a problem of major proportion in Canada. Through research it is known that abuse is cyclical and repetitive. Early identification and intervention are essential in breaking the cycle of abuse and accessing resources to assist both the abusing caregiver and the victimized child.
- 1.2 The following procedures outline the commitment and plan of action, which will be followed in providing children who are at risk the protection they have been guaranteed by law.

## 2.0 DEFINITIONS

### 2.1 Believe vs. Suspect

The general duty upon the public has been amended from “a person who believes on reasonable grounds that a child is or may be in need of protection” to “a person who has reasonable grounds to suspect” that a child is in need of protection. The definition of believe is “to accept as true”. Whereas, suspect is defined as “to think probable or likely, but not necessarily to occur”. In other words it is **not necessary to have definitive proof** to make a report, only a reasonable suspicion or concern.

### 2.2 Child

Under the Child and Family Services Act, a ‘Child’ means a person under the age of sixteen years or a ward of the society up to 18 years of age. The duty to report to Children’s Aid under the Child and Family Services Act applies only to a “child” as defined within the legislation. In cases where there may be potential harm, abuse, or neglect involving a student 16 years or older, it may be appropriate to contact the local police services for assistance.

### 2.3 Caregiver

For the purposes of this procedure, the term “caregiver” means a “person having charge of the child” and applies to:

- The primary caregiver: mother, father, caregiver exercising access or an adult with a custody order for the child in question
- An assigned caregiver: day care worker, babysitter, a family member providing temporary substitute care, a partner of the caregiver (with no legal relationship to the child), etc.
- An assumed caregiver: the teacher, the children’s recreational group leader, the school bus driver, etc.

### 3.0 CIRCUMSTANCES IN WHICH THE DUTY TO REPORT ARISES

3.1 Despite the provisions of any other ‘Act’, if any person, including a person who performs professional or official duties with respect to children, has reasonable grounds to **suspect** one of the following situations summarized below, he/she shall forthwith report the **suspicion** and the information on which it is based to a children’s aid society (the full text of the legislation as of the effective date of this procedure defining “child in need of protection” is attached as Appendix I for reference purposes) :

#### A. Physical Force and/or Maltreatment

“Physical Force and/or Maltreatment” includes those situations where a caregiver, or family member, or community caregiver having charge of the child has committed an act of physical aggression against the child and the child has been harmed. Whenever a child has received a visible or internal injury or mark no matter how superficial, the situation fits within the realm of a reportable case. The obligation to report also extends to those situations where the child has not been harmed but given the nature and extent of the altercation the potential risk of harm is evident.

#### B. Abusive Sexual Activity

“Abusive sexual activity” includes but is not limited to, any sexual contact between a child and a caregiver, or family member or community caregiver having charge of the child regardless if the sexual contact is accomplished by force, coercion, duress, deception, or the child understands the sexual nature of the activity.

#### C. Neglect/Lack of Supervision

“Neglect/Lack of Supervision” includes those situations where the caregiver deliberately or through a lack of knowledge and/or lack of judgment and/or a lack of motivation fails to provide the child with adequate food, shelter, clothing, and safety/supervision. As a result, the child experiences injury or harm or is at risk of being harmed. This includes missed feedings, poor nutrition, poor hygiene, inappropriate supervision, lack of necessary medical attention around the child’s physical health and failure to secure treatment for the child’s emotional health or a developmental condition.

#### D. Emotional Harm

“Emotional harm” occurs in the situation where the child has been emotionally harmed as demonstrated by serious anxiety, depression, withdrawal, self-destructive behaviour or aggressive behaviour, or delayed development caused by 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. This also includes risk that emotional harm will occur based on the behaviour of the caregiver. Adult conflict is also included in this section because of the emotional impact on the child. This includes

children who witness domestic violence and/or are injured in the course of the altercation.

E. Abandonment/Separation

“Abandonment/Separation” includes orphaned and deserted children, children who have experienced many unexpected breaks with caregivers who are unfamiliar to the child, and caregiver/child conflict where the potential for separation is possible.

F. Caregiver Capacity/Inability to Adequately Care for the Child

“Caregiver Capacity / Inability to adequately care for the child” includes situations involving caregivers with a history of abusing and neglecting, an inability to protect their child, substance abuse and/or mental health issues, behavioural problems, and/or a lack of parenting skills. These problems have an impact on the parent’s ability to adequately care for the child.

- 3.2 Appendix II “Indicators of Abuse/Maltreatment” is attached to the procedure to assist in the identification of child abuse.

#### 4.0 REPORTING ABUSE/MALTREATMENT

4.1 Who Reports:

Any employee or volunteer of the Board, who has reasonable grounds to suspect abuse/maltreatment of a child by a caregiver, is obliged to report this to the Children’s Aid Society (Section 72 (1) Child and Family Services Act).

- 4.2 Although every member of the public has a duty to report, if a person who performs professional or official duties with respect to children (including principals, teachers, health care professionals, social workers, operators or employees of a day nursery, youth and recreation workers, religious officials, service providers and employees of services providers) obtains information in the course of performing his or her professional or official duties that leads him or her to suspect that a child is or may be in need of protection, he or she could be convicted of an offence for failing to report and may be liable to a fine of \$1,000.

- 4.3 The duty to report applies despite the fact that the information reported might be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with the Child and Family Services Act unless the person acts maliciously or without reasonable grounds for suspicion.

- 4.4 If a person is uncertain as to whether he or she has reasonable grounds to suspect abuse/maltreatment, he or she is encouraged to consult with the Children’s Aid Society before reporting.

- 4.5 A person who has a duty to report a suspicion that a child may be in need of protection shall make the report directly to the WECAS. The obligation to report

cannot be delegated to the principal or vice-principal, although he/she needs to be informed.

- 4.6 The person making the report to the WECAS will complete a reporting form (attached as Appendix III), and provide the form to the principal.
- 4.7 The report to WECAS needs to be made as soon as possible after the information has been received or observed.
- 4.8 The individual reporting may ask the WECAS worker that his or her name not be released to the parent/guardian or any other involved party. The individual making the report must understand, however, that should the matter involve a court proceeding he or she may be summonsed as a witness.
- 4.9 As established by legislation, no action for making a report shall be instituted against a person who has acted in accordance with the reporting provisions of the legislation, unless the person acts maliciously or without reasonable grounds for the suspicion.
- 4.10 Additional concerns must be reported to WECAS even if there have been previous reports with respect to the same child.
- 4.11 How to Report Allegations:
  - Call the *Intake Department of the Windsor-Essex Children's Aid Society* at 252-1171 (24 hour service) and inform the principal or vice-principal.
  - School personnel should not contact the parent/guardian without prior consultation with the WECAS. The decision to notify the parent is the responsibility of the WECAS. Should the parent contact the school requesting information on the investigation or asking to meet with school personnel, he or she should be referred to the WECAS.
  - Staff will complete the Reporting Form (APPENDIX III) in preparation for their contact with WECAS and the completed form is then given to the principal of the school.
  - The CAS worker will want the facts or observations which created the perceived obligation to file a report.
  - The CAS intake worker will want identifying information about the child as well as indicators of behavioural or emotional change (please refer to the Reporting Form)

## 5.0 WINDSOR-ESSEX CHILDREN'S AID SOCIETY INVESTIGATION PROCEDURES

- 5.1 Upon receipt of the referral, the Windsor-Essex Children's Aid Society will determine if the information reported warrants a child protection investigation.

- 5.2 The plan and response time for the investigation are developed by the child protection worker in consultation with his/her supervisor.
- 5.3 A decision as to whether the child should be interviewed on school premises will be determined by the child protection worker in consultation with his/her supervisor. The seriousness of the allegation, the safety of the child, the integrity of the investigation, and relevant child welfare file history are factors considered when making this decision. Interviewing in a neutral setting usually elicits a more accurate and truthful response from the child.
- 5.4 The child protection worker and his/her supervisor have the responsibility of determining at what point in the investigation the parents should be notified of the allegation. It is important to note that a decision to notify a parent about a referral to the Children's Aid Society could seriously jeopardize the safety of the alleged victim, his/her siblings and compromise the integrity of the investigation.
- 5.5 The child protection worker assigned to the case will contact the school Principal or designate to provide notification of the decision to interview the children on school property.
- 5.6 Upon arrival at the school, the child protection worker will report to the principal or designate, present appropriate child welfare identification, and discuss the plan for the investigation. At this point, the child protection worker and police, if applicable, are in charge and responsible for the investigative plan.
- 5.7 Whenever possible, school authorities will designate a room for interviewing the relevant parties with respect to the investigation.
- 5.8 The child protection worker will carry out detailed interviews with any person who may have significant information or observations about the child in question, and any witnesses to the alleged child protection concerns.
- 5.9 Any sibling of an alleged victim must be interviewed as another potential victim. This may involve interviewing siblings at other schools. Principals or their designate will be contacted by the child protection worker.
- 5.10 A person whom the child victim trusts shall, where necessary or requested by the child, be assigned to support the child through the investigative process. This person shall not conduct an interview unless requested by the investigating child protection worker.
- 5.11 A decision to utilize the police in the investigation is the responsibility of the child protection worker in consultation with his/her supervisor. If a decision has been made to utilize the police throughout the investigation, the school will be advised of this decision when the school is contacted.
- 5.12 At the conclusion of the investigation, the ongoing child protection worker in consultation with his/her supervisor will review all relevant information and determine whether the reported child protection allegation is substantiated.

- 5.13 It is the responsibility of the child protection worker to notify the referral source of the results of the investigation provided appropriate releases of information have been executed by the parents of the child (ren). It is the responsibility of the child protection worker to make every effort to have releases signed by the parents.

## 6.0 SHARING OF INFORMATION WITH WECAS

- 6.1 The WECAS may initiate contact with a school, or with the Board office, when investigating a report of abuse originating from sources outside of the school.
- 6.2 When initiating contact, the WECAS worker must inform the principal or Board representative that he/she is investigating an allegation that a child is in need of protection and is seeking information to assist in the investigation.
- 6.3 When receiving a call requesting information about a student, the principal or Board representative should take every precaution to ensure that the caller is a worker with the Children's Aid Society. The Principal or Board representative should inform the caller that he/she will call them back immediately. At this time, the principal or Board representative will contact the office of the WECAS and confirm the identity of the caller. Having confirmed the identity of the caseworker, staff should cooperate fully in the investigation.

## 7.0 CHILD ABUSE/MALTREATMENT AND ALLEGED EMPLOYEE INVOLVEMENT

- 7.1 In a situation of alleged child abuse/maltreatment by an employee, the Board recognizes its responsibility to provide protection to the child and to recognize the rights of the individual being accused.
- 7.2 The administration shall co-operate with all agencies and services as the law requires.
- 7.3 In a situation of alleged child abuse/maltreatment by an employee other than a principal, the Person who suspects abuse/maltreatment shall contact the Windsor-Essex Children's Aid Society (252-1171) and also report their concerns to the Principal of the school immediately.
- 7.4 If a situation of alleged child abuse/maltreatment by a principal, the person who suspects abuse/maltreatment shall contact the Windsor-Essex Children's Aid Society (22-1171) and also report their concerns to the superintendent for the school.
- 7.5 All requests for information from other than the Investigative Team (child protection worker, his/her supervisor and possibly the police) shall be referred to the Director of Education.
- 7.6 In situations of alleged child abuse/maltreatment by an employee where a formal investigation is necessary, the Investigative Team shall be responsible, and the school board officials shall work in conjunction with them.
- 7.7 The Investigative Team shall:

- i. Contact the Director of Education or designate prior to any contact with a board employee at their work-site.
- ii. Depending on the nature of the allegation(s), interview the alleged victim, the alleged offender, child witnesses, and/or staff members.

7.8 Under no circumstances should the implicated employee be contacted in any manner regarding an allegation or report until specific instructions are received from the police or Children's Aid, regardless of the provisions of the Teaching Profession Act and its regulations. This is to avoid compromising the integrity of the investigation and to ensure that the rights of the alleged victim and the accused person are protected.

7.9 The Board:

- a. subject to section 7.8 of this procedure, may conduct its own investigation to support disciplinary action. This should be gathered in conjunction with the Investigative Team as far as practical.
- b. shall ensure that the employee has the opportunity to have legal advice and/or representation by federation, union, association or other.
- c. shall take immediate action to ensure that the employee has no unsupervised access to the child until otherwise indicated by the Investigative Team.
- d. shall exercise its rights to reassign the employee at any stage of the situation with the assurance that the reassignment is not to be construed as an admission of or accusation of guilt.

**SECTION 37(2) CHILD AND FAMILY SERVICES ACT**

**CHILD IN NEED OF PROTECTION**

(2) A child is in need of protection where,

- (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,
  - (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;

- (b) 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;

(c) 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;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (c) is repealed by the Statutes of Ontario, 2008, chapter 21, section 2 and the following substituted:

- (c) the child has been sexually molested or sexually exploited, including by child pornography, 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;

See: 2008, c. 21, ss. 2, 6.

(d) there is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c);

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(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 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;

(f.1) the child has suffered emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(g) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (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;

(g.1) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(h) 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;

(i) 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;

Appendix I (s.37 (2) CLRA)

(j) the child is less than twelve 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;

(k) the child is less than twelve 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; or

(l) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent, to be dealt with under this Part.  
R.S.O. 1990, c. C.11, s. 37 (2); 1999, c. 2, s. 9.

## APPENDIX II

### INDICATORS OF ABUSE/MALTREATMENT

The identification of child abuse is not a simple task. The following indicators may be common to most children at one time or another. Abuse may be suspected if a child exhibits these physical and behavioural indicators, frequently, over an extended period of time or there is a significant increase in the indicators over a short period of time.

[Charts from A Childhood for Every Child, Ontario Teachers' Federation, 1984]

#### PHYSICAL ABUSE

##### Physical Indicators

Unexplained bruises or welts, especially those:

- on face, buttocks, thighs
- in stages of simultaneous healing
- in the shape of an instrument such as a belt, hairbrush, etc.
- appearing after a child's absence – weekend, vacation

Unexplained burns:

- cigarette burns (hands, feet, back, buttocks)
- immersion burns (sock-like or glove-like in shape)
- patterned burns like: curling iron, iron
- rope burns (arms, legs, torso)
- unexplained fractures
- extreme tearfulness/tearlessness

##### Behavioural Indicators

- reports of injury by parent
- extreme wariness of parent(s)
- extreme wariness of adults
- wariness of physical contact
- resistance to being touched
- extreme watchfulness
- apprehensiveness when other children cry
- fear of going home
- unexplained prolonged absence
- unlikely or inconsistent explanations for bruises
- extreme aggressiveness/extreme withdrawal
- extreme fearfulness/fearlessness

## EMOTIONAL ABUSE

### Indicators (all behavioural):

- reports of physical and verbal conflicts between adults in the home
- developmental lags, physical, mental or emotional
- habit disorders: rocking, biting, self-mutilation
- antisocial and destructive behaviours
- sleep disorders, inhibition of play
- extreme passivity/extreme aggressiveness
- hysteria; obsession, phobias; hypochondria
- indications of depression, attempted suicide

## NEGLECT

### Physical Indicators

- consistent hunger, underweight, dehydration
- poor hygiene: dirtiness, lice, skin disorders associated with improper hygiene
- inappropriate dress: exposure symptoms i.e. sunburn, frostbite
- inadequate supervision

### Behavioural Indicators

- stealing food, begging
- stealing in general
- verbal evidence that there is no one at home: arriving early, staying late at school
- falling asleep in class
- delinquency, truancy, drug or alcohol use

## SEXUAL MOLESTATION

### Physical Indicators

- difficulty walking or sitting
- torn, stained or bloody underwear
- reported pain or itching in genital area
- bruises or bleeding in genital or anal areas
- venereal diseases, especially in pre-teens
- pregnancy

### Behavioural Indicators

- fear of parent or guardian
- wariness of physical contact
- fear of the night, the dark
- sophisticated or bizarre sexual behaviour or knowledge
- seductive behaviour for approval
- unwillingness to change for gym or participate in active sports or games
- reports sexual contact with parents or guardian

Incidents that are considered child sexual abuse include any of the following as well as non-touching offenses where a child is coerced to participate in any activity of a sexual nature.

<i>Incest</i>	sexual activities between blood relatives
<i>Fondling</i>	non-violent touching of the genitals or breast of the victim
<i>Exposure</i>	exposing the genitals of the offender
<i>Masturbation</i>	the victim being lured, bribed or forced to masturbate the offender
<i>Oral</i>	genital contact

**APPENDIX III****Report Re: Allegations of Child Abuse/Maltreatment**  
(to be completed and given to the Principal)**Windsor-Essex Children's Aid Society (519) 252-1171**

<b>Date &amp; Time of Allegation</b>	<b>Date &amp; Time Report Completed</b>	
<b>Name of Child</b>		<b>Date of Birth</b> (MM/DD/YYYY)
<b>Parent(s)/Guardian(s)</b>		
<b>Address of Child</b>		<b>Phone</b>
<b>Address of Parent/Guardian (if different)</b>		
<b>Siblings (names &amp; ages)</b>		
<b>School</b>		<b>Grade</b>
<b>Principal</b>	<b>Teacher</b>	

**ALLEGATION**

<b>What did you witness/observe/hear (including injuries)?</b>
<b>What was the child's explanation?</b>
<b>How did the child appear (physical appearance, child's mood/behaviour)?</b>
<b>Windsor-Essex CAS worker contacted</b>
<b>Date/Time of Call</b>

**REPORTED BY:**

<b>Name (Please Print)</b>	<b>Position</b>
<b>Signature</b>	