

# AVON MAITLAND DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE

### NO. 346

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#### **SUBJECT: CHILDREN IN NEED OF PROTECTION**

Legal References: *Education Act: Section 265 (1) (j) Duties of Principal: Care of Pupils; Ministry of Education Policy/Program Memorandum No. 9; Child and Family Services Act; Criminal Code of Canada*

Related References: *Administrative Procedure 307 Safe Arrival: Elementary Schools; AP 351 Code of Conduct; AP 352 Promoting Positive Student Behaviour; AP 405 Allegations Against Employees and Volunteers; Police/School Board Protocol (Appendix B, AP351)*

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#### **1. Obligations for the Protection of Students**

- 1.1 This administrative procedure establishes a set of guidelines for the reporting and the investigation of alleged child abuse.
- 1.2 The procedure outlines the legal obligations for all district staff members in the protection of students.
- 1.3 All staff members employed by Avon Maitland District School Board have a high “duty of care” under the *Education Act* to protect all students. The well-being and best interests of all students is a shared responsibility and commitment among district staff members, the Children's Aid Society (CAS) and the parents/guardians.
- 1.4 Child abuse refers to children in need of protection.
- 1.5 In situations where a teacher, school administrator, professional support person, volunteer, or other district staff member has reasonable grounds to suspect that a child may be in need of protection, as defined by the *Child and Family Services Act*, (CFSA), the person shall immediately report the suspicion to the CAS.

#### **2. Child in Need of Protection**

- 2.1 Clarification of what constitutes a child in need of protection is included in Section 72(1) of the *CFSA* and is included in the following statements as separate paragraphs.

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:

- 2.1.1 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.

- 2.1.2 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.
- 2.1.3 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.
- 2.1.4 There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.
- 2.1.5 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, the treatment.
- 2.1.6 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.
- 2.1.7 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.
- 2.1.8 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.
- 2.1.9 There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv, 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.
- 2.1.10 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.
- 2.1.11 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.

- 2.1.12 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.
- 2.1.13 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.

### **3. DUTY TO REPORT**

- 3.1 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 CAS, and must not rely on anyone else to report on his or her behalf. s.72(2)
  - 3.1.1 The duty to report cannot be delegated to, or assumed by anyone else, including a principal or vice-principal, professional support staff or senior administrator. The individual may request the presence of any of these staff members while making the report to the CAS.
  - 3.1.2 Third party disclosure must be reported without interviewing the victim.
- 3.2 School personnel must not conduct an investigation regarding the suspicion or disclosure and should question the student only to clarify the nature of the complaint.
- 3.3 The duty to report is an ongoing obligation. If a person has made a report about a child to a CAS 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.
- 3.4 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.
- 3.5 Assessing the validity of a suspicion is the responsibility of the CAS. It is not the staff member's responsibility to prove that the student has been abused or neglected or to determine whether the student is in need of protection.
- 3.6 Once a student has disclosed, he/she must not be subjected to further questioning by any other staff member. Further questioning constitutes investigation and is the responsibility of the CAS. Staff must avoid interfering with the investigative process.

### **4. PROCEDURES**

- 4.1 Consultation
  - 4.1.1 An initiating incident occurs when a district staff member has a reasonable suspicion that a student has been abused. Consultation with the CAS is available in a situation where an employee is unsure whether the circumstances constitute reasonable grounds to suspect, thereby requiring a report to be made. In such consultation, the individual would explain the situation without giving names or other identifying data. The consultation would not constitute a referral or require any follow-up by the CAS. If a staff member is in doubt, he or she should consult.
  - 4.1.2 Staff members of Avon Maitland District School Board are further encouraged to review the district's procedures and protocol for reporting children in need of protection with the principal/supervisor or designate.

## 4.2 Reporting

- 4.2.1 Where an employee has reasonable grounds to suspect that a child is or may be in need of protection, it is the responsibility of the employee to make a direct and immediate report to the CAS by calling Huron CAS at 524-7356 (1-800-265-5198) or Perth CAS at 271-5290 (1-800-668-5094).
- 4.2.2 The employee will notify the principal/supervisor or designate immediately or as soon as possible after that a report has been made to the CAS and request Form 346 Reporting a Child in Need of Protection.
- 4.2.3 If a staff member is advised by the Children's Aid Society worker that the suspicion and/or disclosure(s) do not warrant an investigation, the staff member shall record the worker's name, the date and the time of the consultation.
- 4.2.4 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 which may help in the investigation. In addition, the following questions should be asked:
  - a) How and when should the parents be contacted?
  - b) Will the child be interviewed?
  - c) Will the investigators go to the home or the school, and when will they be investigating or consulting?
  - d) May the child go home at lunch or after school if the interview has not yet taken place?
  - e) What information can be shared with the child and his/her parents if the interview has not yet taken place?

## 4.3 Supporting the Student

- 4.3.1 Recognizing that the student requires support, the staff member should have a trusted person stay with the student until the CAS or police arrive.
- 4.3.2 The student may wish to have a support person present during the interview. Advise the CAS worker/police officer and seek permission for this. If possible, the support person should be an adult person of the child's choosing.

## 4.4 Notifying Parents/Guardians

- 4.4.1 Once a report is received by the CAS, the CAS social worker will develop a strategy for informing the parents/guardians and will discuss the strategy with the reporting person.
- 4.4.2 Prior to notifying the parents/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/guardians will be notified.

## 4.5 Documentation

- 4.5.1 Documentation of concerns about a child is of great importance in helping to clarify the situation and is critical to the CAS in their response to the report. Form 346 Reporting a Child in Need of Protection shall be used. Form 346 shall be completed by the staff member who made the report to the CAS at the earliest possible time thereafter and then sent by the principal/supervisor or designate to the appropriate regional superintendent.
- 4.5.2 This report may be requested by and be provided to the CAS. The CAS intake worker will likely take more detailed notes during their interview with the reporting person.
- 4.5.3 The report must be factual and concise and include questions asked of the student, information observed or heard by school personnel.

#### 4.6 Third Party Investigation

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

- a) Interview the reporting person;
- b) Decide on the proper procedure for interviewing the child as soon as possible. Where it is deemed appropriate and necessary by the investigating team, abuse investigations and child interviews will be conducted on school premises;
- c) Make the initial contact with the parents/guardians; and
- d) Provide to the principal or designate sufficient information, as the investigation progresses, to enable school personnel to support the child and to continue the ongoing relationship between home and school.

4.6.2 The social worker will keep school personnel advised of the strategy for responding to the report so that school personnel may assist where required. Any investigative role is clearly the mandate of the CAS.

4.6.3 The strategy will include consideration of the appropriate timelines such as when the child is expected home from school, or when a parent/guardian is expected to arrive at the school to pick up the child. If the student will not be returning home at the end of a school day in a normal manner and at a normal time, it is particularly important that the parents/guardians are informed by the investigating team in a timely manner.

4.6.4 The strategy should also include provisions for supporting the child prior to, and during the initial interview and/or investigation. The supporting person should be a person of the child's choosing.

#### 4.7 Follow-up with Children's Aid Society

4.7.1 If it is not apparent that an investigation has commenced within 24 hours, it is the responsibility of the principal or designate to contact the Children's Aid Society to ascertain the status of the case.

4.7.2 It is the responsibility of the principal or designate to contact the Children's Aid Society to ascertain the outcome of any investigation begun pursuant to this procedure.

4.7.3 If the principal or designate is not satisfied or certain that the child has been protected, then the principal or designate will also contact the appropriate regional superintendent.

#### 4.8 Notification of the Appropriate Regional Superintendent of Education

The principal/supervisor or designate will notify the appropriate regional superintendent at the earliest possible time, after a report has been made to the CAS.

#### 4.9 Notification of the Children's Aid Society when a Victim of Child Abuse/Neglect Relocates

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