

Willowdale Christian School

Child Welfare Policy

Subject: **Child Welfare Policy**

Approved: Dec. 6, 2016

Approved by: **Board of Trustees**

Replaces:	Child Welfare Policy
Dated:	2002 revised in 2010

Purpose

Willowdale Christian School is committed to providing a safe and welcoming school environment for all children and adults. The school has an important role to play in the prevention of child abuse and is responsible for the safety of everyone within its walls. This policy is to ensure that each child enrolled in Willowdale Christian School is protected and safe by ensuring that it is a caring environment for the growth and development and that all employees and volunteers of the school fulfil their legal responsibilities with respect to the *Child and Family Services Act (the Act)*.

Policy Description

The school has a custodial role in caring for the child which is delegated to it by the parent and is a primary duty of the school. It is specifically part of the duties of the principal. Because of the amount of time a child spends here, the school is in a special position to become aware of indicators of abuse or neglect. It also can offer safety and security to the child who is a victim of abuse at home or elsewhere. The protection of the child is paramount. If there is any doubt regarding the reporting of child abuse, the school staff should err on the side of protecting the child.

Child abuse is when a parent, caregiver or another adult physically and/or psychologically mistreats a child causing injury or emotional damage to a child or youth. This includes physical abuse, sexual abuse, emotional abuse as well as exposure to domestic violence. It can also result from a parent or caregiver's failure to provide adequately for the child's basic needs (neglect).⁵

Willowdale Christian School acknowledges that the state, as represented by police and in Ontario, the Children's Aid Society, has the authority to use all the means at its disposal to protect the child from abuse where necessary and that the school has a legal duty to abide by *the Child and Family Services Act 2014* and the Regulations, as well as every statute that may be substituted.

Willowdale Christian School acknowledges every person who has reasonable grounds to suspect abuse of a child is required by the *Act* to report this belief as soon as possible to the Children's Aid Society and this duty cannot be delegated to someone else.

This policy recognizes that the protocols and procedures to support the school, its employees, children and the parents are critical to any accusation of abuse that arises. The Board of Willowdale Christian

⁵ See definitions in the previous section as well as in Appendix C – *Child and Family Services Act*.

School therefore acknowledges that the school will adhere to the protocols and procedures described in the Willowdale Christian School Child Welfare Procedures Manual.

Confidentiality is a core value in all matters related to abuse allegations and reporting. The school will not divulge any information in relation to these cases except to the proper authorities and upon the instruction from the proper authorities. As a particular note of caution, a school leader will often feel pressure to address incorrect information or explain decisions, however confidentiality must remain an overriding principle.

The principal of the school is responsible to the Board for the implementation of this policy and for the training of all school personnel as to the Child Welfare Procedures Manual.

Regulations:

1. The board shall ensure that all employees, contract workers and volunteers are aware of definitions of child abuse and alert to the indicators.
2. Based on their roles and responsibilities, all employees and volunteers will receive training on procedures and protocols associated with reporting and investigating suspected child abuse before beginning to work with children and on an annual basis. The acknowledgement form will be signed following each training session and filed in the personnel files. These forms will be retained indefinitely in confidential files.
3. The dignity and privacy of the child must always be respected.
4. Employees and volunteers shall cooperate with Children's Aid workers and the police.
5. Employees to whom a disclosure is made and who report suspected child abuse shall maintain the appropriate documentation. All documentation shall be stored separate from the student's OSR in a secure location. Documentation shall be kept indefinitely.

Child Welfare Procedures

General Reporting Protocol for Disclosures or Suspicions of Child Abuse/Neglect

Duty to Report

1. Under the Child and Family Services Act, every person who has reasonable grounds to suspect a child is in need of protection is obligated to report the suspicion and the information upon which it is based with the Children's Aid Society.
2. **Duty cannot be delegated:** The person suspecting the abuse is responsible for reporting to CAS and cannot rely on someone else such as the principal to make the report. However, this person may ask to have a support person present when making the report.
3. **The duty to report is an ongoing obligation.** Even if there has already been a report made regarding the abuse of a child, if there are additional grounds to support that the child may be in need of protection, this must also be reported to CAS.
4. **Failure to Report** If an employee fails to report suspicions or knowledge of child abuse or neglect, he/she is liable on conviction to a fine of up to \$1000.
5. **Liability.** The Act protects from liability employees who report suspicions of abuse when the suspicions are reasonable and not made maliciously. The duty of to make a report "overrides the provisions of any other provincial statute – that is, those provisions that would otherwise prohibit the professional or official from disclosing confidential or privileged information. In other words, a teacher or school principal must report that he or she suspects that a child is or may be in need of protection even if he or she believes that the information to be used to support the report is supposed to be confidential or privileged."⁶
6. When an employee suspects that a child is a victim of abuse by an adult, or another child, including a child that attends the school, that employee shall inform the principal or designate regarding the suspicion and the circumstances; however this should not unduly delay the report to the CAS (The principal/designate should keep detailed notes at all stages of the process regarding his/her involvement).
 - a. **Where Reasonable Grounds Exist.** If after consultation, there are reasonable grounds to suspect abuse, the Children's Aid Society shall be contacted by the staff member who suspected the abuse or to whom it was reported.
 - b. **When Reasonable Grounds are Not Clear.** When school personnel are unclear about "reasonable grounds," that person shall discuss the circumstances of the suspected abuse with a CAS intake worker without using the name of the child. If after consultation, the intake worker advises that the situation must be reported, the staff member shall share all relevant information with the intake worker in accordance with the requirements of the Act.
 - c. **When The Student is Sixteen Years of Age or Older.** If abuse is suspected to a child over 16 years of age, the suspected abuse shall be reported to CAS. CAS is responsible to determine if there is any other child under the age of 16 who may be in need of protection. The reporter may be directed by CAS to also call police.

In all cases keep a record of the call to CAS using the Report of Suspected Child Abuse Form.

⁶ Policy/Program Memorandum No. 9, Ministry of Education, August 10, 2001, <https://www.edu.gov.on.ca/extra/eng/ppm/9.html>

Investigations

1. **The Role of the Principal and employee** is not to prove a child has been abused but to report it to the Children's Aid Society (CAS) when they have "reasonable grounds to suspect" that a child has been abused and is in need of protection. CAS and/or the police shall determine the appropriate course of action to follow. No employee/volunteer shall attempt to address the situation on his/her own.
2. **Questioning of the Student:** The school personnel should not conduct an investigation regarding the suspicion or disclosure and should question the student only to clarify the nature of the complaint.

Making the Report

1. **Report as soon as possible.** The report to the CAS shall be made **as soon as possible** in order to give the CAS time to interview the child if necessary. If the CAS requests it, the principal shall detain and supervise the child at school for purposes of an interview.
2. Before making a report to CAS, it is necessary to prepare the information about the student and the details about the reason for the referral. The CAS will require this information. See Appendix B: When Calling CAS ...
3. Complete the Report of Suspected Child Abuse Form and Teacher Documentation Form.
4. **Related Issues**
 - a. Since the safety and protection of the child is the utmost concern, be sure to inform the CAS worker about any of the child's family circumstances (including siblings) which may help in the investigation.
 - b. It will also be helpful for the school to have answers to the following questions:
 - i. The name and contact information of the CAS workers spoken to.
 - ii. How and when will the parents be notified?
 - iii. Will the child be interviewed?
 - iv. Will the interview be at the school or at home?
 - v. May the child go home if the interview has not yet taken place?
 - vi. What information should be shared with the child and parents if the interview has not taken place?
 - c. The Children's Aid Societies in our area are:
 - i. Children's Aid Society of Toronto
 - ii. Catholic Children's Aid Society of Toronto
5. **Make a Record of the Report of Suspected Child Abuse.** All observations and any actions that have been taken are to be factually documented and stored by the school and/or staff member in a confidential location. The teacher and the principal shall review the outcome of the reporting to the CAS and fill in the form "Report of Suspected Child Abuse Form" (Appendix A: Reporting Forms) immediately. The principal shall be available for support to the staff member and to assist in any decision making that may have to occur. If the CAS worker indicates that there are not reasonable grounds or the suspicions and/or disclosure to warrant an investigation, complete the form and indicate the worker's response on the form. The person making the report should make detailed notes of the disclosure/suspicion and the report to CAS.

Supporting the Child

1. **Confidentiality.** Any suspicion of a child in need of protection must be kept confidential by restricting the number of people who are made aware and by all parties maintaining strict silence. Respect the child by not identifying him/her to other staff or students.
2. Depending upon the child's age, the reporting staff member may let the student know of the requirement to report.
3. **Provide Access to the Child by the CAS worker.** The place of interview should be discussed with the Children's Aid Society intake worker at the time of the reporting. CAS or the police may

interview the child, and possibly other children in the family, at school. The principal shall permit a CAS worker to have access to the child at school, and to the child's siblings if requested. The principal shall ensure that the proper identification has been produced by the child protection worker or police officer prior to an interview.

4. If the interview is to take place at the school, a trusted person should be appointed by the staff member or principal to stay with the student until an intake worker from CAS arrives and is ready to begin the interview.
5. **Presence of School Staff at Interview.** Although the CAS intake worker will usually ask to interview the child alone, he/she may determine who else should be present for the interview of the child. If the child requests a support person, he/she should be an adult that the child has chosen.

Notification of Parents

Do Not Contact the Parent It is the responsibility of the CAS to notify the parents when child abuse is suspected. The person reporting shall not notify the parents nor obtain their consent. The decision as to when and how to report to the parents will be coordinated with the school by the CAS worker. The reporting person should ask the CAS worker when the parents will be notified so that the school may be prepared for the response and provide appropriate support.

Removal of Child from School

CAS has the legislated right to remove a child from the school with or without a warrant. (See Appendix D: CFSA). When this is the case, the principal or principal designate shall ensure that there is a written statement from the worker that he/ she "believes the child is in need of protection and is removing the child to a place of safety." (See Appendix A: Removal of Child from School Premises by CAS) The CAS worker or police officer will then take full responsibility for the student.

Protocol When Complaints Involve an External Caregiver

When the suspected offender is an external caregiver, the staff member's responsibilities are as follows:

1. Inform the principal or designate of suspicions or disclosure to determine reasonable grounds.
2. Make the report to CAS and/or police. Be prepared to provide the appropriate information to the intake worker. (See Appendix B – When Calling CAS ...).
3. Complete the Report of Suspected Child Abuse Form and Documentation Record.
4. Support the child through the investigation.
5. Maintain confidentiality.
6. Parents/guardians should not be notified. The decision as to when and how to report to the parents will be coordinated with the school by the CAS worker.

Protocol When Complaints Involve a Member of Staff

When the suspected offender is another staff member, the staff member's responsibilities are as follows:

1. Inform the principal or designate of suspicions or disclosure to determine reasonable grounds.
2. Make the report to CAS and/or police. Be prepared to provide the appropriate information to the intake worker. (See Appendix B – When Calling CAS)
3. Complete the Report of Suspected Child Abuse Form and Documentation Record.
4. Support the child through the investigation.
5. Maintain confidentiality. The implicated staff member **MUST NOT** be contacted regarding the allegations or disclosure unless instructed by CAS. After receiving instructions, contact should only be made by the principal or designate.
6. Parents/guardians should not be notified. The decision as to when and how to report to the parents will be coordinated with the school by the CAS worker.

Additional Steps for the Principal

1. Subject to authorization by CAS, the principal or designate shall notify the suspected offender of the accusation, the action taken and advise him/her to contact his/her professional association and/or to seek personal legal counsel.
2. The principal, in collaboration with CAS, decide what actions to take in regards to the alleged abuser. (For example, remove staff member from interaction with student, which may include suspension with/without pay).
3. The principal shall cooperate but remain uninvolved in any investigation.
4. Aside from informing the board chair, in confidence, of the allegations and keeping him/her informed of the situation, the principal shall also contact the school's legal counsel and insurance provider. The principal may also wish to contact the Ontario Alliance of Christian Schools.
5. The principal should consult with the CAS regarding any communications with the school community. This will include decisions on who should be informed (other staff members, parents and/or students), what information is disclosed and when and how the information is shared.
6. Under the ***Student Protection Act***, where the accused is a member of the Ontario College of Teachers and/or the Ontario College of Early Childhood Educators, and there has been a **charge or conviction** of abuse or that, in the employer's opinion, indicates that a child may be at risk of harm or injury, the matter shall be reported to the appropriate college **in writing** as soon as possible.

Protocol When Complaints Involve a Volunteer

When the suspected offender is a school volunteer, the staff member's responsibilities are as follows:

1. Inform the principal or designate of suspicions or disclosure to determine reasonable grounds.
2. Make the report to CAS and/or police. Be prepared to provide the appropriate information to the intake worker. (See Appendix B – When Calling CAS)
3. Complete the Report of Suspected Child Abuse Form and Teacher Documentation Form
4. Support the child through the investigation.
5. Maintain confidentiality. The implicated volunteer MUST NOT be contacted regarding the allegations or disclosure unless instructed by CAS. After receiving instructions, contact should only be made by the principal or designate.
6. Parents/guardians should not be notified. The decision as to when and how to report to the parents will be coordinated with the school by the CAS worker.

Additional Steps for the Principal

1. Subject to authorization by CAS, the principal or designate shall notify the suspected offender of the accusation, the action taken and advise him/her to seek personal legal counsel.
2. The principal will act in collaboration with CAS on what actions to take in regards to the alleged abuser. (For example, remove volunteer from position in school).
3. Aside from informing the board chair, in confidence, of the allegations and keeping him/her informed of the situation, the principal shall also contact the school's legal counsel and insurance provider. The principal may also wish to contact the Ontario Alliance of Christian Schools.
4. The principal should consult with the CAS regarding any communications with the school community. This will include decisions on who should be informed (other staff members, parents and/or students), what information is disclosed and when and how the information is shared.

Protocol When Complaints Involve the Principal

When the suspected offender is the principal, the staff member's responsibilities are as follows:

1. Inform the board chair/designate of suspicions or disclosure and that a report is being made to CAS.
2. Make the report to CAS and/or police. Be prepared to provide the appropriate information to the intake worker. (See Appendix B – When Calling CAS)
3. Complete the Report of Suspected Child Abuse Form and Teacher Documentation Form
4. Support the child through the investigation.
5. Maintain confidentiality. Under no circumstances shall the implicated principal be contacted regarding the allegations or disclosure until specific instructions are received from CAS. After receiving instructions, contact should only be made by the board chair or designate.
6. Parents/guardians should not be notified. The decision as to when and how to report to the parents will be coordinated with the school by the CAS worker.

Additional Steps for the Board Chair

1. Subject to authorization by CAS, the board chair or designate shall notify the principal of the accusation, the action taken and advise him/her to contact his/her professional association and to seek personal legal counsel.
2. The board chair or designate will act in collaboration with CAS on what actions to take in regards to the alleged abuser. (For example, remove principal from interaction with student, which may include suspension with/without pay).

3. The board chair or designate informs the executive committee as well as contact the school's legal counsel and insurance provider. The board chair may also wish to contact the Ontario Alliance of Christian Schools.
4. The board chair or designate should consult with the CAS regarding any communications with the school community. This will include decisions on who should be informed (other staff members, parents and/or students), what information is disclosed and when and how the information is shared.
5. If the principal has been suspended without pay, the board will need to appoint an interim principal to run the school. This person should be kept abreast of the situation.
6. Under the ***Student Protection Act***, where the accused is a member of the Ontario College of Teachers and/or the Ontario College of Early Childhood Educators, and there has been a **charge or conviction** of abuse or that, in the employer's opinion, indicates that a child may be at risk of harm or injury, the matter shall be reported to the appropriate college in writing as soon as possible.

Protocols for Student to Student Abuse

When a complaint is received about child to child abuse allegations:

1. The caregiver/staff member receiving the complaint should consult with the Principal or designate
2. If reasonable grounds are established the person who received the complaint shall notify the CAS.
3. If further advice is required before officially filing with CAS, an informal call shall be made to the intake worker at the local CAS without using the name of the child.
4. If a complaint is filed, then communication will be dictated by the CAS case worker.
5. If reasonable grounds are not established, the school's discipline protocols will determine next steps.

Additional comments about Student to Student Abuse:

1. Due to the extremely sensitive nature of these allegations, all parties must respect confidentiality. Regardless of the actions of other parties, it is imperative that school staff maintain confidentiality at all time.
2. Record keeping must be thorough and complete. Complete the Report of Suspected Child Abuse Form and Documentation Report.
3. The Principal should seek outside advice, including the Ontario Alliance of Christian Schools, the school's legal counsel, insurance provider
4. The following link to the Public Health Agency of Canada addresses sibling sexual abuse and may provide some helpful insights for the caregiver: <http://www.phac-aspc.gc.ca/sfv-avf/sources/nfnts/nfnts-visac-sibabus/index-eng.php#ifo>

Status of the Investigation

The principal may ask the designated authorities to inform the school of the outcome of the investigation once the interviews have been completed. It is at the discretion of the CAS as to how much information they choose to provide.

Appendix A – Reporting Forms

WILLOWDALE CHRISTIAN SCHOOL

Report of Suspected Child Abuse Form

To be used when suspected child abuse cases are reported to a Children's Aid Society

CHILD'S NAME _____ D.O.B. _____ AGE _____

ADDRESS _____

PHONE _____

PARENT/GUARDIAN NAME(S) _____

CHILD KNOWN TO RESIDE WITH _____

OTHER CHILDREN IN RESIDENCE _____

WORK PHONE _____ CELL PHONE _____

SCHOOL _____

1. TYPE OF SUSPECT ABUSE Physical Sexual Emotional Neglect

OBSERVATIONS LEADING TO SUSPICION OF ABUSE (time and dates if communicated - attach if necessary):

NAME OF ALLEGED ABUSER (IF KNOWN) _____

2. PERSON REPORTING SUSPECTED ABUSE

NAME _____ POSITION _____

DATE _____ TIME _____

3. REPORT TO PRINCIPAL/DESIGNATE

NAME _____ POSITION _____

DATE _____ TIME _____

OTHER STAFF CONSULTED (DIRECT OR SUPPORT) _____

Report of Suspected Child Abuse Form continued

4. REPORT TO CHILDREN'S AID SOCIETY

NAME OF CAS REPORTED TO: CAS CCAS OTHER _____

DATE _____ TIME _____

CASE WORKER RECEIVING CALL _____ PHONE _____

PERSON REPORTING _____ POSITION _____

CAS RESPONSE (including information that can be shared and with whom, responsibility of parental contact, timing and location of investigation.)

NEXT STEPS

5. SIGNATURES

PERSON SUSPECTING ABUSE _____ DATE _____

PERSON REPORTING ABUSE _____ DATE _____

PRINCIPAL _____ DATE _____

NOTES:

**One copy for CAS intake worker.
One copy for the school to be stored in a secure confidential file.
NOT TO BE INCLUDED WITH OSR.**

WILLOWDALE CHRISTIAN SCHOOL

Discretionary Follow-Up Report of Suspected Child Abuse⁷

To be used when suspected child abuse cases are reported to a Children's Aid Society as a follow-up.

CHILD'S NAME _____ D.O.B. _____ AGE _____

ADDRESS _____

PHONE _____

SCHOOL _____

DATE OF INITIAL REPORT OF SUSPECTED ABUSE _____

OUTCOME OF CHILDREN'S AID SOCIETY INVESTIGATION

ABUSE CONFIRMED ABUSE NOT CONFIRMED

OTHER (SPECIFY) _____

COMMENTS _____

CURRENT STATUS AND CHILDREN'S AID SOCIETY INVOLVEMENT

SIGNATURE

PRINCIPAL _____ DATE _____

**If this form is used, it should be attached to the initial report.
NOT TO BE INCLUDED WITH OSR.**

⁷ This form is discretionary and developed as a support document. It may be used by the principal for follow-up and tracking purposes.

Documentation Record

The purpose of the notes is to assist in providing information to CAS and if necessary, to assist in recalling information when testifying in court at a later date.

1. The staff members' documentation record should:
 - a. be brief and to the point and written immediately after an observation is made (do not rely on memory);
 - b. include dates and times;
 - c. be a record of factual observations without judgments;
 - d. include relevant quotes from the child;
 - e. be chronological;
 - f. include name of the CAS worker and/or police officer who was spoken to and any advice given;
 - g. be signed.
2. Any alterations made to the original notes must be dated, initialled and signed and kept with the original notes.

Notes must be kept in a safe and secure confidential location and not in the child's OSR file.

WILLOWDALE CHRISTIAN SCHOOL

Documentation Record

NAME _____ POSITION _____

RECORD PERTAINING TO

CHILD'S NAME _____ D.O.B. _____ AGE _____

DATE	TIME	OBSERVATION	QUESTIONS ASKED OF STUDENT

SIGNATURE _____ DATE _____

Removal of Child from School Premises by CAS

Form to be signed when a child is taken into care with or without a warrant.

NAME OF SCHOOL _____

ADDRESS _____

STUDENT'S NAME _____ DOB _____

DATE OF REMOVAL _____

1. I, _____ am a person authorized under the *Child and Family Services Act*.
2. I have reasonable and probable grounds to believe that the child above noted is apparently in need of protection within the meaning of the *Act*.
3. I advise you that I have removed, or do hereby remove such child from your care and premises.
4. I acknowledge that _____, the principal or school designate has this ___ day of ___, 20__ delivered to me the custody of the child named herein.

Name of Authorized Person (Printed) _____

Signature line of Authorized Person _____

I, _____ (principal or school designate) hereby attest that I have verified the credentials of the person named above and he/she, in my presence, has reviewed and signed this form and has carried out the actions therein.

Name of Principal/Designate (Printed) _____

Signature of Principal/Designate _____

CC: Children's Aid Society, School, Police

**This form is to be attached to the initial report.
Include a copy of the warrant if applicable
NOT TO BE INCLUDED WITH OSR.**

Appendix B - When Calling CAS ...

The Children's Aid Societies in our area are:

- Children's Aid Society of Toronto
- Catholic Children's Aid Society of Toronto

When making a report to CAS, the following information should be provided to the intake worker at CAS. Completing the Report of Suspected Child Abuse Form will provide most of this information.

1. General details:

- ✓ Name and Position of person reporting
- ✓ Date and time of the report

2. Information about the student:

- ✓ Name
- ✓ Date of Birth
- ✓ Parent/Guardian Name(s)
- ✓ Contact information of Parent/Guardian including address and phone number
- ✓ Names of other known residents in home, especially siblings

3. Information regarding the suspicions or disclosure:

- ✓ What did the student say?
- ✓ To whom was it said?
- ✓ If known, where and when did the incident(s) take place?
- ✓ Who is the alleged offender?
- ✓ Describe any physical marks or injuries
- ✓ Describe the student's demeanour

It will also be helpful for the school to have answers to the followings:

1. Information about the CAS intake worker

- ✓ Name and position of intake worker
- ✓ Contact information

2. Information about the investigation

- ✓ Will the matter be investigated? If yes:
 - ✓ Will the child be interviewed?
 - ✓ When will the interview take place?
 - ✓ Where will the interview take place?
 - ✓ How and when will the parent(s)/guardian(s) be notified?
 - ✓ When will that contact be made?
 - ✓ What should be done with the child?
- ✓ What if the interviewed is delayed?
 - ✓ May the child go home?
 - ✓ What information should be shared with the student?
 - ✓ What information can/should be shared with the parent(s)/guardian(s)?

If the CAS intake worker determines that the matter will not be investigated,

- ✓ Record name and contact information of intake worker on the Report of Suspected Child Abuse Form
- ✓ Indicate the worker's response on the form.
- ✓ Keep detailed notes of the disclosure/suspicion and the report to CAS
- ✓ This information must be kept in a secure confidential file, separate from the student's OSR.

Appendix D – Child and Family Services Act

Part III: Child Protection

This appendix provides a copy of those sections of the Child and Family Services Act: Part III: Child Protection that are deemed to be of relevance to the school. The full act can be found at <http://www.ontario.ca/laws/statute/90c11#top>. The sections below have been grouped into logical topics but the Section numbers preface each piece so reference can be made to the Act.

NOTE: that this section has been update to the current Act. May 2015

Definitions

37. (1) “child” does not include a child as defined in subsection 3 (1) who is actually or apparently sixteen years of age or older, unless the child is the subject of an order under this Part; (“enfant”)

[Note: Section 3.(1) of the Act defines “child” as follows: “‘child’ means a person under the age of eighteen years; (“enfant”)” This Part of the Act applies only until a child becomes sixteen, unless there is an order otherwise in which case a child older than 16 may fall under this Part of the 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, 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;
- (d) there is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c);
- (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;

(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.

Duty to Report

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, 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.
- 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

72. (2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) or to believe that a representation or material is, or might be, child pornography under subsection (1.1) shall make a further report under subsection (1) or (1.1) even if he or she has made previous reports with respect to the same child. 2008, c. 21, s. 3 (3).

Person to report directly

72. (3) A person who has a duty to report under subsection (1) or (2) shall make the report directly to the society, a person who has a duty to report under subsection (1.1) shall make the report directly to any organization, agency or person designated by regulation to receive such reports, and such persons shall not rely on any other person to report on their behalf. 2008, c. 21, s. 3 (3).

Offence

72. (4) A person referred to in subsection (5) is guilty of an offence if,
(a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and
(b) the information on which it was based was obtained in the course of his or her professional or official duties. 1999, c. 2, s. 22 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 72 is amended by the Statutes of Ontario, 2008, chapter 21, subsection 3 (4) by adding the following subsections:

Same

72. (4.1) A person is guilty of an offence if the person fails to report information as required under subsection (1.1). 2008, c. 21, s. 3 (4).

Same

72. (4.2) A person is guilty of an offence if the person,
(a) discloses the identity of an informant in contravention of subsection (1.4); or
(b) dismisses, suspends, demotes, disciplines, harasses, interferes with or otherwise disadvantages an informant in contravention of subsection (1.5). 2008, c. 21, s. 3 (4).

Same

72. (5) Subsection (4) applies to every person who performs professional or official duties with respect to children including,
(a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;

- (b) a teacher, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, operator or employee of a day nursery and youth and recreation worker;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is amended by striking out “operator or employee of a day nursery and youth and recreation worker” at the end and substituting “youth and recreation worker, and operator or employee of a child care centre or home child care agency or provider of licensed child care within the meaning of the *Child Care and Early Years Act, 2014*”. (See: 2014, c. 11, Sched. 6, ss. 2 (1), 10)

- (b.1) a religious official, including a priest, a rabbi and a member of the clergy;
- (b.2) a mediator and an arbitrator;
- (c) a peace officer and a coroner;
- (d) a solicitor; and
- (e) a service provider and an employee of a service provider. 1999, c. 2, s. 22 (3); 2006, c. 1, s. 2; 2010, c. 10, s. 23.

Same

72. (6) In clause (5) (b),

“youth and recreation worker” does not include a volunteer. 1999, c. 2, s. 22 (3).

Same,,

72. (6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence. 1999, c. 2, s. 22 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6.1) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (5) and the following substituted:

Same

72. (6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) or (4.1) by an employee of the corporation is guilty of an offence. 2008, c. 21, s. 3 (5).

See: 2008, c. 21, ss. 3 (5), 6.

Same

72. (6.2) A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than \$1,000. 1999, c. 2, s. 22 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6.2) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (6) and the following substituted:

Penalty

72. (6.2) A person convicted of an offence under subsection (4), (4.1), (4.2) or (6.1) is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both. 2008, c. 21, s. 3 (6).

See: 2008, c. 21, ss. 3 (6), 6.

Protection for Reporting Person

Section overrides privilege

72. (7) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion. R.S.O. 1990, c. C.11, s. 72 (7); 1999, c. 2, s. 22 (4).

Duties and Powers of the Society

Authority to enter, etc.

40. (6) A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (4) (d) may at any time enter any premises specified in the warrant or order, by force if necessary, and may search for and remove the child. R.S.O. 1990, c. C.11, s. 40 (6).

Apprehension without warrant

40. (7) A child protection worker who believes on reasonable and probable grounds that,

- (a) a child is in need of protection; and
- (b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 47 (1) or obtain a warrant under subsection (2),

may without a warrant bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (7).

Right of entry, etc.

40. (11) A child protection worker who believes on reasonable and probable grounds that a child referred to in subsection (7) is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child. R.S.O. 1990, c. C.11, s. 40 (11).

Use of School's Documentation

Record

74. (1) In this section and sections 74.1 and 74.2,

"record" means recorded information, regardless of physical form or characteristics; ("dossier")

"record of personal health information" has the same meaning as in the *Mental Health Act*. ("dossier de renseignements personnels sur la santé") 1999, c. 2, s. 24 (1); 2004, c. 3, Sched. A, s. 78 (3).

74. (2) A Director or a society may at any time make a motion or an application for an order under subsection (3) or (3.1) for the production of a record or part of a record. 1999, c. 2, s. 24 (1).

74. (3) Where the court is satisfied that a record or part of a record that is the subject of a motion referred to in subsection (2) contains information that may be relevant to a proceeding under this Part and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court. 1999, c. 2, s. 24 (1).

Same

74. (3.1) Where the court is satisfied that a record or part of a record that is the subject of an application referred to in subsection (2) may be relevant to assessing compliance with one of the following and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court:

1. An order under clause 51 (2) (b) or (c) that is subject to supervision.
2. An order under clause 51 (2) (c) or (d) with respect to access.
3. A supervision order under section 57.
4. An access order under section 58.
5. An order with respect to access or supervision on an application under section 64 or 65.1.
- 5.1 A custody order under section 65.2.
6. A restraining order under section 80. 1999, c. 2, s. 24 (1); 2006, c. 5, s. 29.

Court may examine record

74. (4) In considering whether to make an order under subsection (3) or (3.1), the court may examine the record. R.S.O. 1990, c. C.11, s. 74 (4); 1999, c. 2, s. 24 (2).

Register

75. (1) In this section and in section 76,

“Director” means the person appointed under subsection (2); (“directeur”)

“register” means the register maintained under subsection (5); (“registre”)

“registered person” means a person identified in the register, but does not include,

- (a) a person who reports to a society under subsection 72 (2) or (3) and is not the subject of the report, or
- (b) the child who is the subject of a report. (“personne inscrite”) R.S.O. 1990, c. C. 11, s. 75 (1).

Child abuse register

75. (5) The Director shall maintain a register in the manner prescribed by the regulations for the purpose of recording information reported to the Director under subsection (3), but the register shall not contain information that has the effect of identifying a person who reports to a society under subsection 72 (2) or (3) and is not the subject of the report. R.S.O. 1990, c. C. 11, s. 75 (5).

Cooperation with the Society

Offence

84. No person shall,

- (a) knowingly give false information in an application under this Part; or
- (b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker or a peace officer who is acting under section 40, 41, 42, 43 or 44. R.S.O. 1990, c. C.11, s. 84.

Offences

85.(1) A person who contravenes,

- (a) an order for access made under subsection 58 (1);
- (b) Repealed: 1999, c. 2, s. 30 (1).
- (c) subsection 74 (5) (disclosure of information obtained by court order);
- (d) subsection 75 (6) or (10) (confidentiality of child abuse register);
- (e) an order made under subsection 76 (8) (amendment of society's records);
- (f) subsection 79 (3) or (5) (leaving child unattended, etc.);
- (g) a restraining order made under subsection 80 (1);
- (h) section 82 (unauthorized placement);
- (i) any provision of section 83 (interference with child, etc.); or
- (j) clause 84 (a) or (b),

and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1990, c. C.11, s. 85 (1); 1999, c. 2, s. 30 (1, 4).

Idem

85. (2) A person who contravenes subsection 79 (2) (child abuse), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

85. (3) A person who contravenes subsection 45 (8) or 76 (11) (publication of identifying information) or an order prohibiting publication made under clause 45 (7) (c) or subsection 45 (9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1990, c. C.11, s. 85 (2, 3).

Appendix E: Related Documents and Legislation

It is imperative for each school that the related documents are kept up-to-date and reviewed as per school policy. The list below is not intended to be exhaustive but rather to provide examples of related documents.

Related School Documents

OACS Child Welfare Manual

Willowdale Christian School Vulnerable Sector Screening Policy

Willowdale Christian School Code of Conduct for Teachers

Willowdale Christian School Code of Conduct for Students

Willowdale Christian School Child Welfare Training Policy and Procedures

Related Legislation

The Child and Family Services Act 2014 and the Regulations

Ontario College of Teachers Acts

Teacher's Qualifications Regulation

Professional Misconduct Regulation

Ontario Education Act

Safe Schools Act

Student Protection Act

Ontario Human Rights Code

Criminal Code of Canada

Youth Criminal Justice Act