

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

1. Policy

It is the policy of Lakehead District School Board that if a person (including all employees and those who perform professional or official duties with respect to children), has reasonable grounds to suspect that a child is, or may be, in need of protection, they shall immediately report this information, without delay, to a children's aid society.

2. Definitions

2.1 Employee

Any adult employed by Lakehead District School Board.

2.2 Person

Any adult working or placed at a school in an official capacity; such as, but not limited to health professional, student teacher, student social worker.

2.3 Child

Means a person younger than 18 years of age.

2.4 Child in Need of Protection

Section 74(2) of the Child, Youth and & Family Services Act 2017:

A child is in need of protection where:

2.4.1 The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's failure to adequately care for, provide for, supervise or protect the child, or pattern of neglect in caring for, providing for, supervising or protecting the child.

2.4.2 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 failure to adequately care for, provide for, supervise or protect the child, or pattern of neglect in caring for, providing for, supervising or protecting the child.

2.4.3 The child has been sexually abused 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 abused or sexual exploitation and fails to protect the child.

<p>SCHOOL SERVICES</p> <p>REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES</p>	<p>6000</p> <p>6040</p>
<p>2.4.4 There is a risk that the child is likely to be sexually abused or sexually exploited as described in 2.4.3.</p> <p>2.4.5 The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent/guardian/caregiver or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.</p> <p>2.4.6 The child has suffered emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or 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/guardian/caregiver or the person having charge of the child.</p> <p>2.4.7 The child has suffered emotional harm of the kind described in 2.4.6 and the child's parent/guardian/caregiver 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.</p> <p>2.4.8 There is a risk that the child is likely to suffer emotional harm of the kind described in 2.4.6 resulting from the actions, failure to act, or pattern of neglect on the part of the child's parent/guardian/caregiver or the person having charge of the child.</p> <p>2.4.9 There is a risk that the child is likely to suffer emotional harm of the kind described in 2.4.6 and that the child's parent/guardian/caregiver 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.</p> <p>2.4.10 The child suffers from a mental, emotional or developmental condition and the child's parent/guardian/caregiver or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment that, if not remedied, could seriously impair the child's development to remedy or alleviate the condition.</p> <p>2.4.11 The child has been abandoned, the child's parent/guardian/caregiver 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/guardian/caregiver refuses or is unable or unwilling to resume the child's care and custody.</p>	

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

2.4.12 The child is younger 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/guardian/caregiver or the person having charge of the child does not provide, or refuses to provide, or is unavailable or unable to consent to, those services or treatment.

2.4.13 The child is younger 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.

2.4.14 The child's parent/guardian/caregiver is unable to care for the child and the child is brought before the court with the parent's/guardian's/caregiver's consent and where the child is 12 years old or older, with the child's consent, for the matter to be dealt with under this part.

2.4.15 The child is 16 or 17 years old and a prescribed circumstance or condition exists.

2.5 Neglect

Failure of a caregiver to provide basic needs such as adequate food, sleep, safety, supervision, clothing, or medical treatment. The child has been harmed or there is a risk that the child is likely to be harmed as a result of the caregiver's failure to adequately care for, provide for, supervise or protect the child.

2.6 Abuse or Risk of Abuse

2.6.1 Child Abuse

- Includes physical, sexual and emotional abuse and/or neglect.
- It also addresses a pattern of abuse and risks of harm.

2.6.2 Physical Abuse

- Those situations where a caregiver, 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 or there is information to suggest that the child may be at risk of physical harm due to the actions of a caregiver, family member or community caregiver.
- The use or threat of deliberate physical force that results in pain or injury or creates a genuine risk of harm to the child, which can occur as an isolated incident or over a period of time.

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

- Possible behaviors may include actions such as punching, slapping, shaking, burning, biting, throwing, hair pulling, beating, kicking, cutting and throwing objects.
- Signs or indicators may include such things as bruising, burns, bites and cuts.
- Consistent and intentional neglect and failure to supervise or protect a child adequately.

2.6.3 Sexual Abuse

- Abusive sexual activity/exploitation includes, but is not limited to, any sexual contact between a child and caregiver, or family member or community caregiver having charge of the child regardless if sexual contact is accomplished by force, coercion, duress, deception or the child understands the sexual nature of the activity.
- Sexual activity may include sexual penetration; sexual touching; or non-contact sexual acts such as exposure, sexual suggestiveness, sexual harassment or voyeurism.
- Human/sex trafficking.

2.6.4 Emotional Abuse

- Not an isolated incident.
- Emotional or psychological abuse is a pattern of negative behaviours or repeated destructive interpersonal interactions by the parent/guardian/caregiver to the child.
- Yelling, ignoring, rejecting, demeaning, isolating or exposing the child to domestic violence.

2.6.5 Domestic Violence

- Violent or abusive behavior occurring within the child's home, usually involving the abuse of a partner or spouse.
- All acts that eliminate a nurturing environment for the child.

2.6.6 Neglect

- Failure of a parent, guardian or caregiver to provide the child with basic needs such as adequate food, sleep, safety, supervision, clothing or medical treatment.
- Failure to provide, support or consent to treatment where a child has a medical, mental, emotional or developmental condition requiring treatment.

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

2.6.7 Caregiver Death/Absence/Separation

- Failure to provide adequate care and custody of the child when the child's parent, guardian or caregiver has died or is absent.
- Failure of a residential care facility to resume custody, care and supervision of the child when the parent, guardian or caregiver refuses to.

2.6.8 Caregiver Incapacity

- Substance abuse or mental health concerns that have an impact on a child's safety or well-being.

3. Determination Procedures

3.1 In determining if there are reasonable grounds to suspect a child is, or may be, in need of protection, an employee may consult with:

- the principal or designate;
- other personnel such as guidance counsellor, attendance counsellor, social worker and colleagues associated with the student;
- an employee of a children's aid society; and
- consultation shall not delay the referral to a children's aid society.

3.2 An employee or person who reports suspected child abuse or neglect to a children's aid society regarding a student shall inform the on-site principal or designate. The on-site principal/designate shall inform the home school principal.

3.3 Documentation and assessment of physical injuries are the responsibility of the police and children's aid society. Staff shall not undertake observation of non-visible marks.

Whether marks are observed or not, the staff member shall report to the children's aid society if there are reasonable grounds to suspect that the child is, or likely will be, in need of protection.

3.4 Where a young person, over 16 years old, and not a ward of a children's aid society, reports abuse or neglect, the young person should be encouraged to report the abuse/neglect directly to the police. This applies even if the abuse occurred when the young person was under the age of 16 but no longer is under 16. The young person should also be encouraged to take advantage of whatever victim assistance, therapy and legal assistance resources exist in the community.

Though a duty to report does not apply to a child who is 16 or 17 years old, a person may make a report if a circumstance or condition exists.

<p>SCHOOL SERVICES</p> <p>REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES</p>	<p>6000</p> <p>6040</p>
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4. Reporting Procedures

- 4.1 The individual who suspects that a child is in need of protection has a personal and/or professional duty to report the suspicion directly to a children’s aid society. The individual may request the presence of a principal, professional support staff or senior administrator while making the report to the society.
- 4.2 If an employee or person has reasonable grounds to suspect that child abuse or neglect may have occurred or is likely to occur, they shall report the suspicion and the information upon which it is based to a children’s aid society without delay.
- 4.3 An employee or person who has additional reasonable grounds to suspect that child abuse or neglect may have occurred, or is likely to occur, shall make a further report even if they have made previous reports with respect to the same child.
- 4.4 The person who makes the report shall document the referral using "Record of Referral for Children in Need of Protection" (Appendix A).

5. Access to Children in School

- 5.1 An agreement has been made between a children’s aid society, police and school board via the ‘Protocol for the Investigation of Child Abuse and Neglect – a Coordinated Response in the District of Thunder Bay’ to allow a children’s aid society worker/police access to the child when abuse/neglect is suspected without the formal process of securing custody (i.e. warrant) to apprehend the child.
- 5.2 Legal access to children is conferred to a children’s aid society only when a child is taken into custody. The Board is under no legal obligation to give a children’s aid society staff access to children during school hours. However, access will be permitted to ensure the safety and protection of the child; to ensure the child is not influenced by the alleged offender/caregiver responsible for the maltreatment/non-offending parent; to protect the child from witnessing conflict that could occur between the caregivers and officials.
- 5.3 The Board has the right to require that a children’s aid society apprehend the child with or without warrant in order that they may talk to the child. However, the Board in the spirit of protecting children, allows interviews of children in schools when a children’s aid society/police have determined it is necessary and in the child’s best interests.
- 5.4 If an interview is requested of a child at school as part of an abuse/neglect investigation, the principal/designate shall confirm the identity of the individual(s) requesting the interview as police or an employee(s) of a children's aid society.

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

- 5.5 The principal shall permit the interview after consultation with a children's aid society representative to determine who will be present during the interview.
- 5.6 To reduce the trauma that a student may experience, and with the student's consent, the principal or designate shall ensure that a supportive adult from the school is present whenever possible during a children's aid society/police interview with the child.
- 5.7 To safe guard the privacy of the child, the investigative team should exercise extreme sensitivity in meeting with the child at school. The school principal/designate will provide reassurance for the child while waiting for children's aid society/police to arrive. Whenever possible, a children's aid society will notify the parents/**guardians**/caregivers of the child of the interview of the child before the child leaves school for the day.
- 5.8 Once a report is received by a children's aid society, the intake worker and the reporting person will develop a strategy for informing the parents/guardians/caregivers. School or Board personnel will not inform parents/guardians/caregivers that a report has been made without consultation with the society.
- 5.9 As part of the investigative process, a children's aid society will attempt to obtain releases of information from the parent/guardian/caregiver and the child, if 12 years of age and over, to allow for communication with the school.
- 5.10 Upon attendance to the school, a children's aid society worker shall report to the office with authorized children's aid society identification.

6. Students with Special Needs

- 6.1 The school board recognizes the particular vulnerability of children with special needs. Procedures after the report of a suspicion of abuse/neglect or a disclosure will be followed with consideration of additional and appropriate assistance to a child whose disability affects the ability to understand and communicate.
- 6.2 The reporting person and/or the principal will ensure that the investigating agency or police are aware of the needs and accommodations necessary for the child. Such accommodations may include the presence of supportive adults from the school with whom the child is familiar during the interview.
- 6.3 When a child protection concern is suspected for a child with special needs, a children's aid society worker/police may need to "customize" the approach taken with the investigation, and may require assistance from school personnel familiar with the child's special needs, when planning or conducting an interview of a child with special needs.

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

7. Procedures Regarding Board Employees

- 7.1 In situations where a teacher, support staff or other Board employee is suspected of conduct which places a child in need of protection, the principal or designate will be notified when a report to a society is being made, and the principal or supervisor will notify the appropriate superintendent of education and the superintendent responsible for Human Resources.
- 7.2 A staff person or volunteer who has made a report to the principal or designate regarding a specific situation and is not satisfied with the response may contact the designated superintendent directly.
- 7.3 Under no circumstances should the implicated staff member be contacted regarding an allegation or disclosure until consultation with the investigating police or society is made. Notwithstanding Section 12 (1) of the Teaching Profession Act Regulation, a teacher need NOT report to a fellow teacher that an allegation of sexual abuse of a student or disclosure has occurred. This procedure is designed to secure the safety of the student, to ensure that the rights of the victim and the accused person are protected, and to prevent possible destruction of evidence.
- 7.4 In situations where a principal is suspected of conduct which places a child in need of protection, the appropriate superintendent of education will be directly notified by the reporting person.
- 7.5 School Board staff will protect confidentiality of students and staff within the legal confines of the Board.
- 7.6 The Board will fully cooperate with the children's aid society and the police in any investigation and provide access to any relevant information within legal confines.
- 7.7 In instances involving school personnel, it must be remembered that the Board has two key areas of responsibility:
 - i) acting in "loco parentis" for the children registered within their school system; and
 - ii) serving as the employer of the alleged abuser. It is the employer's determination whether the accused employee will be relieved of duties or reassigned during an investigation.
- 7.8 Where a situation involving a staff person is reported to a society or the police, and they decide not to pursue the matter, the matter shall be reviewed by the appropriate superintendent to determine if further action is warranted.

SCHOOL SERVICES	6000
REPORTING OF CHILDREN IN NEED OF PROTECTION PROCEDURES	6040

8. Responsibilities

- 8.1 It is the responsibility of the principal to ensure that all staff members are aware of, understand and comply with the relevant sections of the Child, Youth and Family Services Act.
- 8.2 A children’s aid society has the legal mandate to conduct a complete investigation and take appropriate action to ensure the safety of the child, and will receive full cooperation from the Board during its investigation.
- 8.3 It is the responsibility of a children’s aid society to notify the parents/guardians/**caregivers** of the child when there is suspicion that a child is in need of protection and a referral has been made. Notification should occur as soon as it is reasonably possible given the circumstances.

9. Review

These procedures shall be reviewed in accordance with 2010 Policy Development and Review Policy.

<u>Cross Reference</u>	<u>Date Received</u>	<u>Legal Reference</u>
Policy 6040 Reporting of Children in Need of Protection	June 23, 1987	Child, Youth and Family Services Act 2017
The Protocol for the Investigation of Child Abuse and Neglect – a Coordinated Response in the District of Thunder Bay.		Policy/Program Memorandum 9, Reporting of Children in Need of Protection
Ontario College of Teachers Professional Advisory: Duty to Report June 2018	<u>Date Revised</u>	Education Act, R.S.O. 1990, c.E.2
	April 22, 2003	Ontario College of Teachers Act 1996
	November 23, 2010	Student Protection Act, 2002
	November 27, 2018	Teacher Profession Act, 1990
	May 19, 2026	