



PROCEDURE PR.605.SCO

TITLE: REPORTING SUSPECTED CHILD ABUSE AND NEGLECT - STUDENT UNDER 16 YEARS OF AGE

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1.0 OBJECTIVE

To prescribe the responsibility and procedures for reporting suspected child abuse to ensure compliance with the legislative obligations of the *Child and Family Services Act*, as amended.

2.0 DEFINITIONS

In this procedure,

- 2.1 The term **child** has the same meaning as in Part III of the *Child and Family Services Act*, and means a person actually or apparently under sixteen years of age and, where a child is found by the court to be a child in need of protection, includes a person under eighteen years of age.
- 2.2 For purposes of these procedures, the term **child abuse** shall include any one of the circumstances defined in section 72(1) of the *Child and Family Services Act* (as amended), as follows:

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 either inflicted by the person having charge of the child or caused by that person's*
 - (i) *failure to adequately care for, provide for, supervise or protect the child, or*
 - (ii) *pattern of neglect in caring for, providing for, supervising or protecting the child.*
2. *There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,*
 - (i) *failure to adequately care for, provide for, supervise or protect the child, or*
 - (ii) *pattern of neglect in caring for, providing for, supervising or protecting the child.*

3. *The child has been sexually molested or sexually exploited by the person having charge of the child, or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.*
4. *There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.*
5. *The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide or refuses or is unavailable or unable to consent to the treatment.*
6. *The child has suffered emotional harm demonstrated by serious*
 - (i) *anxiety*
 - (ii) *depression*
 - (iii) *withdrawal*
 - (iv) *self-destructive or aggressive behaviour, or;*
 - (v) *delayed development*

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
7. *The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.*
8. *There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.*
9. *There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and 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.*

3.0 RESPONSIBILITY

3.1 The school principal and all employees of the Ottawa-Carleton District School Board

4.0 PROCEDURE

Report of Suspected Child Abuse and Neglect

- 4.1 An OCDSB employee who has reasonable grounds to suspect child abuse, as defined in any of the circumstances listed in s. 72(1) of the *Child and Family Services Act* and as set out in 2 above, must immediately report the suspicion and the information on which it is based to the Children's Aid Society (CAS).
- 4.2 The duty to report is ongoing. An employee who has additional reasonable grounds to suspect child abuse is therefore required to make a further report to the CAS even if he or she has already made a previous report or reports with respect to the same child.
- 4.3 The obligation for a person to report suspected child abuse and neglect is a direct obligation. A person cannot rely on any other person to make the report on his or her behalf. (see 4.1 above)
- 4.4 The duty to report exists even though the information reported may be confidential or privileged. No action for making the report shall be instituted against any person who reports the information to a society unless the person reporting is acting maliciously or without reasonable grounds for the suspicion.
- 4.5 When suspected abuse and neglect is being reported from a school to the CAS, the principal or his/her designate must be informed as soon as possible. *Where the person suspected of abuse is an employee, Procedure PR.542.HR will apply and the principal must follow the steps outlined in that procedure.*
- 4.6 It is not the employee's responsibility to prove that the child has been abused or neglected, or to determine whether the child is in need of protection. Thus, any personal interview or physical examination of the child should only be carried out in the line of normal daily observations and discussions. A child should never be asked to remove clothing that is part of normal attire.
- 4.7 Where possible, when reporting to the CAS, the employee should have available information which may be critical to the CAS in pursuing its investigation, including the name, address, birth date of the child, where parent(s)/guardian(s) can be reached,

incident(s) that precipitated the report, present condition of the child, and information regarding siblings and other individuals and agencies who know the family.

- 4.8 If the CAS considers the incident to be non-reportable, the call (time, worker's name and recommendation) is to be documented, signed, dated and retained in the employee's personal records as a means of ensuring that he/she is able to demonstrate that a report was considered.
- 4.9 If the employee is convinced that the matter is reportable but the CAS worker disagrees, he or she should ensure that the principal is informed, and that the "refusal" is passed on to the appropriate school board administrative staff member responsible for child abuse issues and/or to the appropriate CAS Director/Designate.
- 4.10 Employees who fail to report suspected abuse, as defined above, may face internal disciplinary measures and/or, where applicable, professional sanctions by the employee's professional regulatory body (e.g. College of Teachers).
- 4.11 Employees who perform professional or official duties with respect to children and who fail to report suspected child abuse as defined above can be charged with an offence under the CFSA and, on conviction, be fined up to \$1,000.00.

Consultation

- 4.12 If an employee is uncertain whether or not the information available makes a formal report obligatory, the employee must at a minimum:
 - a) If an employee is uncertain whether or not the information available makes a formal report obligatory, the employee must at a minimum:
 - b) consult with a CAS intake worker by calling 747-7800. The employee should describe the situation as he/she knows it but without disclosing the child's name, and should ask whether the intake worker considers the situation "reportable" or "non-reportable"; and
 - c) keep a record of all communication in relation to a formal or informal contact with the CAS.

Follow-up - 4.1-4.15

- 4.13 An employee making a report to CAS must:
 - a) complete OCDSB 202: Child Abuse Incident Report in consultation with the principal and forward a copy to the Board's administrative staff member responsible for child abuse issues who will retain a copy at the Board in a confidential file;
 - b) unless the parent(s)/guardian(s) is/are suspected of abuse*, advise the parent(s)/guardian(s) that a report was made;

***Note: If the parent(s)/guardian(s) is/are suspected of abuse, it is the responsibility of the CAS to make the notification.**
 - c) notify the school social worker in a timely manner; and
 - d) inform any Special Services staff (Psychology, Speech/Language) who are involved with the child.

Apprehension of Child by the CAS (With or Without a Warrant)

- 4.14 A child protection worker from the CAS has the authority and responsibility to apprehend a child who is in need of protection. If the CAS arrives at the school with or without the assistance of a police officer to apprehend a child, the principal must ask to see the court order or warrant authorizing the apprehension prior to releasing the child, and ask to make a copy.
- 4.15 A child protection worker may apprehend a child without a warrant where the worker believes on reasonable and probable grounds that the child is in need of protection and the child would be placed at risk during the time required to obtain a warrant. If the child protection worker seeking to apprehend a child does not have a warrant, the principal or designate must comply with the child protection worker's request.
- 4.16 If a child protection worker arrives at the school to apprehend a child, the principal or designate should immediately document the removal, noting the time, whether a warrant or court order was produced, the name of the child protection worker, and whether the parent(s)/guardian(s) were informed. The principal or designate must advise the Superintendent of Schools and the Board's administrative staff member responsible for child abuse issues as soon as possible.
- 4.17 If a child is apprehended and removed from the school by the CAS, it is the responsibility of the CAS to notify the parent(s)/guardian(s) of the removal. The principal, in the role of "in loco parentis", should ensure that attempts have been made by the CAS to inform the parent(s)/guardian(s) as soon as possible in the process of apprehension/removal from the school.

5.0 REFERENCE DOCUMENTS

Child and Family Services Act, 1985

Child Abuse Protocol - An Investigative Procedure to Coordinate Response in the Regional Municipality of Ottawa-Carleton, September 1989, available in Social Services.

Joint School Boards, Children's Aid Society of Ottawa-Carleton Reporting Protocols, 1994

OCDSB Policy [P 103 HR - Alleged Employee Misconduct Towards a Student](#)

OCDSB Policy [P 090 SCO - Reporting Suspected Child Abuse Neglect \(Under 16 years old\)](#)

OCDSB Policy [P 091 SCO - Alleged Suspected Violence within Student's Family](#)

OCDSB Procedure [PR 606 SCO - Alleged or Suspected Violence within A Student's Family](#)