

Procedure Title	Duty to Report - Child Maltreatment (Suspected)		
Date of Issue	July 6, 1999	Related Policy	BP 6850-D
Revision Dates	April 15, 2003; February 18, 2015; April 24, 2015; September 2, 2015; June 15, 2022	Related Forms	AF 6850
Review Date		Originator	Administrative Council
References			
<p>Child, Youth, and Family Services Act, 2017; AP 6855-D “Best Practice Protocol: Ensuring Student Safety and Protection Together”; Teaching Profession Act; Child Maltreatment in Canada https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/prevention-resource-centre/children/child-maltreatment-canada.html#Typ; Ontario Association of Children's Aid Societies http://www.oacas.org/childrens-aid-child-protection/what-is-abuse/ Policy/Program Memorandum No.9 “Duty to Report Children in Need of Protection”; Ontario Human Rights Code; Canadian Charter of Rights and Freedoms; Government of Ontario ‘Reporting Child Abuse and Neglect: It's Your Duty’ (August 2021) https://www.children.gov.on.ca/htdocs/English/documents/childrensaid/reportingchildabuseandneglect_EN.pdf; Ontario College of Teachers ‘Duty to Report Professional Advisory’ https://www.oct.ca/resources/advisories/duty-to-report?sc_lang=en&; Ontario Association of Children's Aid Societies Bruce Grey Child and Family Services, PowerPoint presentation ‘Duty to Report...and Support’; AP 6824-D “Anti-Sex Trafficking”</p>			

1.0 RATIONALE

- 1.1 Educators play an important role in the identification, treatment and prevention of child abuse. The responsibility to report is clearly stated in the Child, Youth, and Family Services Act, 2017 (CYFSA), section 125.
- 1.2 The CYFSA legislates the protection of children and the reporting of suspected child maltreatment and the Ministry of Education Policy/Program Memorandum (PPM) Number 9, states: “Directors of Education are requested to ensure that:
 - a) all staff members are aware of, and understand, the relevant sections of the CYFSA, particularly the requirement to report cases of children in need of protection;
 - b) school board policies and procedures conform with the provisions of the CYFSA.
- 1.3 Bluewater District School Board (BWDSB) will make every effort to ensure that no student is subjected to maltreatment and that all cases of suspected child maltreatment will be reported as prescribed by legislation and board policies and procedures. The board recognizes its responsibility towards its students and its employees.
- 1.4 Any amendments to the CYFSA will take effect upon a day to be named by proclamation of the Lieutenant Governor and will apply to this procedure.

2.0 DEFINITIONS

2.1 Adult Conflict

Adult conflict is violence within the home between household members whose relationship is something other than partners/parents.

2.2 Child

A child is legally defined as a person under the age of 18 years.

2.3 Child Maltreatment

Child maltreatment refers to the harm, or risk of harm, that a child or youth may experience while in the care of a person they trust or depend on, including a parent, sibling, other relative, teacher, caregiver, or guardian. Harm may occur through direct actions by the person (acts of commission) or through the person's neglect to provide a component of care necessary for healthy child growth and development (acts of omission). There are five types of child maltreatment: physical, sexual, neglect, emotional harm, and exposure to family violence (intimate partner violence and adult conflict). (<https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/prevention-resource-centre/children/child-maltreatment-canada.html#Typ>)

2.4 Culture

All of us have a culture. Factors such as ethnicity, religion, family structure, and history influence family practices. Child-rearing practices vary across families and cultures. There are various parenting practices that are safe and healthy but may differ from your own. Any services provided must be rooted in an understanding of the overrepresentation of Indigenous, black, and other racialized children in child welfare systems. Overrepresentation begins at the referral stage based on racial and ethnic stereotypes. We all need to be aware of personal and systemic biases that may impact a decision to call the Children's Aid Society (Bruce Grey Child and Family Services). We need to reflect if we are helping or harming the family's situation.

NOTE: Understanding the differences between alternative parenting practices and signs of harm perceptions and biases can inadvertently influence your decision to call Bruce Grey Child and Family Services (BGCFS).

2.5 Emotional Harm

Emotional harm is a pattern of negative behaviours or repeated destructive interpersonal interactions by a caregiver to the child or youth. Shaming, blaming, humiliation, and belittling are examples.

Emotional harm has a different effect on a child or youth depending on their developmental stage.

Emotional harm does not affect each child in a predictable manner. Its impact depends on a child's internal resources and on available supports.

Possible indicators of emotional harm include:

- helplessness, avoidance
- hyper-vigilance to perceived threats and anger
- self blame, shame, rage
- inhibition of emotional expression

2.6 Exposure to Family Violence (Intimate Partner Violence and Adult Conflict)

A child or youth can also be in need of protection due to exposure to intimate partner violence or adult conflict. Intimate partner violence is any behaviour within an intimate relationship that causes physical, psychological, or sexual harm to those in the relationship.

There are different types of exposure to intimate partner violence that children may experience:

- witnessing
- hearing from another room
- observing the aftermath
- being aware of tension in the home, i.e., "walking on eggshells"

Nearly 50% of all substantiated investigations of child abuse in Ontario involve exposure to intimate partner violence.

2.7 Neglect

A child or youth can be in need of protection due to concerns regarding neglect. Neglect requires a **pattern** where a person having charge is not able or willing to meet the child's needs.

Signs of neglect may include (but are not limited to):

- poor hygiene

- continually tired, lacking energy, unkempt
- frequent absence from school
- missing many basic clothing items for season
- regularly missing meals

None of these indicators on their own necessarily constitutes neglect. These indicators may be also be opportunities for community support and assistance.

While living in poverty can be a risk factor for children and youth, it is not considered child maltreatment.

2.8 Physical Harm

Bruce Grey Child and Family Services (BGCFS) investigates allegations where a caregiver having charge of a child or youth has committed an act of physical aggression against the child and the child is at risk of harm or has been harmed by that action.

It may be one incident or occur over time.

A caregiver's inability to protect a child or youth from physical harm or risk of physical harm, can also be reason for a BGCFS to investigate.

Possible indicators of physical harm:

- injuries that don't fit the explanation
- injuries to soft body parts like ears, neck, or cheek
- injuries inconsistent with the child's age and developmental stage
- child cannot recall how injuries occurred
- child may cringe or flinch if touched unexpectedly
- highly aggressive or withdrawn

2.9 Privacy and Professional Confidentiality

The duty to report overrides any other provincial statutes and specifically overrides any provisions that would otherwise prohibit someone from disclosing confidential information.

It is expected that professionals working with children will identify themselves when making a report to a BGCFS. While confidentiality cannot be assured, concerns regarding the identification of the referent should be shared.

2.10 Reasonable Grounds

'Reasonable grounds' refers to the information that somebody using honest judgment would need in order to decide to report a child may be in need of protection. This standard has been recognized by courts in Ontario as the threshold for reporting. You only need to reasonably suspect that a child or youth may be in need of protection. You do not have to be sure about concerns to make a referral; use your best judgment. It is also not your responsibility to prove the information. Bruce Grey Child and Family Services (BGCFS) has the expertise to assess and decide whether to intervene.

2.11 Sexual Abuse

Sexual abuse or sexual exploitation includes, but is not limited to, when a child or youth is used for the caregiver's sexual gratification

It includes:

- sexual intercourse
- exposing a child or youth's private areas
- fondling for sexual purposes
- watching a child or youth undress for sexual pleasure
- showing a child or youth pornographic materials
- asking a child or youth to engage in sexual behaviours
- facilitating the sexual exploitation of a child or youth, such as making pornographic materials
- human trafficking of children or youth (see AP 6824-D "Anti-Sex Trafficking")

Sexual abuse may also be happening online, such as luring and grooming for possible future sexual abuse or engaging a child or youth in sexually explicit conversations.

2.12 Stereotypes

Stereotypes, prejudice, and discrimination based on race, ethnicity, religion, poverty, and sexual orientation can also lead to overreporting.

3.0 DUTY TO REPORT

3.1 The CYFSA defines the circumstances in which a child would be found to be “in need of protection”. These circumstances are directly incorporated into section 125 (1) which sets out the duty to report:

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 immediately report the suspicion, and the information on which it is based, to BGCFS:

- 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 paragraph C.
- e) The child requires medical treatment to cure, prevent, or alleviate physical harm/suffering and the child's parent/guardian (or, where the child themselves is incapable of consenting to the treatment under the Health Care Consent Act, 1996):
 - i. does not provide consent to the treatment;
 - ii. refuses to provide consent to the treatment;
 - iii. is unavailable to consent to the treatment; or
 - iv. is 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/guardian.

- g) The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph F and the child's parent/guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
- h) 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 F resulting from the actions, failure to act or pattern of neglect on the part of the child's parent/guardian.

- i) 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 F and that the child's parent/guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.
 - j) 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/guardian does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
 - k) The child has been abandoned, the child's parent has died or is unavailable to exercise their 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.
 - l) 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.
 - m) 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 parent/guardian, or because of that person's failure or inability to supervise the child adequately.
- 3.2 Please refer to administrative procedure AP 6855-D "Best Practice Protocol: Ensuring Student Safety and Protection Together" for a coordinated response in the undertaking of child protection, concerns, and joint service response to families of Bruce and Grey County.

4.0 REPORTING SUSPECTED CHILD MALTREATMENT

- 4.1 Responsibility imposed on persons working with children to report (CYFSA, Section 125(6))**
Persons with professional or official duties with respect to children have a special awareness of the signs of child abuse/neglect and a specific responsibility to report any suspicions that a child has been abused, is in need of protection, or is at risk of abuse or needing protection. A breach of this responsibility is a punishable offense.
- 4.2 Protection from liability (CYFSA, Section 125(10))**
Should civil action be brought against a person who made a report, the person will be protected unless the person acted maliciously or without reasonable grounds for the belief or suspicion.
- 4.3** When disclosure of information occurs within a student's writing (e.g. class writing assignment) it will be handled in the same manner noted below in section 4.4. The reporting of the written information may be verbatim or involve the provision of a photocopy to the appropriate authority. The actual documentation of the disclosure, in the student's writing, remains in the possession and control of the school, subject to a subpoena that requires the document to be presented in court.
- 4.4** The employee who suspects maltreatment shall follow these reporting steps:
- A person who has reasonable grounds to suspect that a child is or may be in need of protection may wish to consult and discuss the situation with the site principal or supervisor. Consultation should be available, but it does not remove the reporting obligation from the employee, nor should it impede the timeliness of the report.
- a) As per section 125(2) of the CYFSA a 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 BGCFS. The person must not rely on anyone else to report on their behalf. Administrative form AF 6850 "Duty to Report – Child Maltreatment (Suspected) Reporting Form" will be completed.
 - b) If the child is sixteen or seventeen years of age, a person may make a report based on the criteria outlined above. While reporting for 16- and 17-year-old youth is not mandatory, it is recommended that you call if you have concerns about the safety or well-being of a youth. Child welfare is uniquely positioned through its

legislated mandate to provide a wide variety of prevention and protection services to youth. Services must be in collaboration with the youth while respecting their diversity and the principles of inclusion consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms and as required by the CYFSA.

- c) The employee will:
- i. call the BGCFS and ask for an intake worker and indicate they would like to make a report about the maltreatment of a child. The worker will want to hear about the employee's specific concerns as well as about any family strengths. This may include other caregivers in the child's community (e.g., grandparents, neighbours). Even if the employee is unable to provide all the information, it is important that they provide what they can. Employee's must answer honestly about what they know and acknowledge what they're not sure about. The child protection worker (CPW) will ask questions such as the age, name, race, address of the child or youth, and what specifically made the employee call. The employee will also be asked to provide information about the person alleged to have caused the concern, including their name, relationship to the child, address, phone number, place of work, as well as that person's current whereabouts.
 - ii. notify the principal or supervisor immediately after the report has been made and submit AF 6850 "Duty to Report – Child Maltreatment (Suspected) Reporting Form" to the principal or supervisor. If the alleged offender is the principal or supervisor then the employee shall notify the appropriate superintendent of education regarding the report.

NOTE: The keeping of accurate records is of great importance in helping to clarify the situation and is critical to a child maltreatment investigation.

- d) A person who has additional reasonable grounds to suspect on-going concerns must continue to report even if a previous report was made.
- e) The principal or supervisor will notify the appropriate superintendent of education regarding the report.
- f) Once BGCFS receives a report of child maltreatment they will verify and assess the reported information. The worker may not be able to provide any details regarding how they are going to respond to the reported concerns but may be able to provide a general overview of what might occur. For example, if it is determined that no assessment is required, an agency may still:
- i. reach out and offer support services; or
 - ii. refer the child or youth and/or the family to a community agency for services such as family counselling, the food bank, daycare, recreational supports.

Sometimes an assessment or investigation is required. The agency will determine what type of response is needed. If a child or youth may be in imminent risk of harm, a CPW can respond immediately. When options to keep the child or youth safe in their home are not feasible, most often they will stay with relatives or other members of their community until the safety issues are resolved. The child protection worker will engage with the family to work toward solutions.

If it is not possible to place the child or youth with their extended community, they may need to be placed in foster care.

If an investigation is deemed appropriate by BGCFS, it will be conducted by a CPW. An investigation may take between 45 – 60 days. During the investigation, the CPW will request consent from the family to follow-up with the school and to share information as needed. A family may or may not provide consent.

The family may or may not know the report came from an education worker at the school. All efforts are made to protect an individual's identity, however, there is no guarantee that this information will not be disclosed. Depending on the nature of the referral, however, professionals in the community may be aware of more details.

It is the responsibility of BGCFS to investigate. The employee is under no obligation, in fact it is discouraged to ask probing questions or find evidence of the concern. Employees do not have to prove there is a protection concern.

- g) The principal or designate will follow procedural direction provided by BGCFS at the time of the referral.
- h) School personnel and BGCFS will jointly determine who will verbally inform the parent or guardian of the referral to the BGCFS or police. (Note: in some situations, notification of parents may be withheld at the direction of police or the BGCFS).
- i) The Principal or Supervisor will confirm with the BGCFS CPW that an attempt has been made to contact the parent or guardian prior to the student being interviewed or removed from the school premises by the worker. (Once again, noting that in some situations, notification may be withheld at the direction of the police or the BGCFS).

4.5 Alleged Offender is an Employee of the Board

- a) In situations where an employee suspects another employee of conduct which places a child in need of protection, the steps in section 4.4 will be followed.
- b) Notwithstanding section 18 (1) (b), Regulation Made Under the Teaching Profession Act, a teacher shall NOT report to a fellow teacher that an allegation or disclosure has occurred. This procedure is designed to secure the safety of the student, to ensure the rights of the victim and the accused person are protected, and to prevent possible destruction of evidence.
- c) BWDSB will undertake to ensure the safety of any other alleged or potential victims through whatever means deemed appropriate, including interim suspension of the employee or removal from the school setting. BWDSB employees are expected to be supportive of a student who has come forward and will respect and protect the confidentiality of the disclosure within legal confines. Only the people who need to know, and who will in no way jeopardize the investigation, will be informed of the disclosure.
- d) BWDSB will fully cooperate with the BGCFS and the police in any investigation and provide access to any relevant information within legal confines.
- e) Where an allegation of neglect and/or abuse involving a BWDSB employee is reported to the BGCFS or the police, and they decide not to pursue the matter, the matter shall be reviewed by the superintendent of education responsible for Human Resources Services (or designate) in order to establish whether further action is warranted, in accordance with BP/AP 7530-D "Progressive Discipline – Employees".
- f) The superintendent of education responsible for Human Resources Services (or designate) will be responsible for ensuring that an internal investigation of circumstances is conducted in relation to the suspicious conduct of a BWDSB employee. The investigation shall be coordinated in consultation with the investigating BGCFS and the police.
- g) The superintendent of education responsible for Human Resources Services (or designate) will determine if a follow-up meeting is required with the employee who has been alleged to have been involved in a suspected child abuse/neglect incident in order to discuss the results of the investigation and to confirm that the allegations were or were not verified.
- h) In instances where BWDSB employees are suspected to have conducted themselves in personal situations outside the board, which place or may reasonably place a child in need of protection, there is a very delicate balance between the individual's right to privacy versus the employer's need to know to protect possible victimization in the workplace. In these instances, the superintendent of education responsible for Human Resources Services (or designate) will be notified by BGCFS only in cases where there is a potential risk to children or as is otherwise permitted under applicable legal authority including but not limited to the CYFSA or pursuant to court Order.
- i) In accordance with amendments to the Education Act and the Ontario College of Teachers Act (OCTA), the superintendent of education responsible for Human Resources Services (or designate) shall notify the Ontario College of Teachers of any incident involving sexual misconduct and minors or of another offence putting pupils at risk of harm or injury that results in charges in a court of law. The board must ensure that the teacher performs no duties in a classroom or has other contact with students pending withdrawal, discharge, stay, or acquittal on those charges. Changes in the status of charges must also be reported, as the board becomes aware of those facts.

- j) Other conduct that the board believes should be reviewed by a committee of the college will also be reported.

4.6 Supporting the Child

- a) A student who has been a victim of maltreatment may disclose the abusive incidents to adults or others that the student trusts. If a student makes a disclosure, it is important to recognize that:
- i. the student sees that individual as a significant and trustworthy adult;
 - ii. the student needs to talk about the maltreatment and is in distress;
 - iii. the student has the right to confidentiality and privacy and the disclosure should happen in a private place.
- b) If a child or youth discloses information to you directly, it is important to listen to the child to support them in sharing the information, even if you find some of the information they share overwhelming. Please keep in mind the following:
- i. Listen to the child or youth in a calm manner.
 - ii. Allow the child or youth to tell you what has happened in their own words.
 - iii. Wherever possible, provide a private place for the child to share the information.
 - iv. Avoid making promises to the child or youth as to what will or will not happen next.