



BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

402 Duty to Report: Reporting Children in Need of Protection

DIRECTIONAL POLICY

Safe, Inclusive & Progressive Schools

Title of Administrative Procedure:

Duty to Report: Reporting Children in Need of Protection

Date Approved:

December 6, 2022

Projected Review Date:

December 6, 2027

Directional Policy Alignment:

The Administrative Procedure aligns with the Safe, Inclusive, and Healthy Schools Directional Policy. The purpose of this policy is to provide a healthy, safe, inclusive, accepting, and secure learning environment for students and staff.

Alignment with Multi-Year Strategic Plan:

The Reporting Children in Need of Protection Administrative Procedure supports our mission to ensure that the voices of students, families, staff, parishes, and community members are represented. This Administrative Procedure supports the four tenets of believing, protecting, learning, and nurturing. The Board is committed to the safety and well-being of our students and will ensure that Board employees are aware of their professional obligation to report students who may be in need of protection. This vision calls the Board to these Strategic Priorities:

[CDSBEO Strategic Plan 2020-2025](#)

Purpose

All children have the right to a safe, nurturing environment in which to grow to their full potential, free from violence, abuse, and neglect. It is a shared responsibility to ensure that these conditions are fulfilled.

Policy Statement

Policy Program Memorandum (PPM) 9 states: “The Child, Youth and Family Services Act contains provisions under Part V, Child Protection, for reporting a child who is or may be in need of protection. If any person – ‘including a person who performs professional or official duties with respect to children’ – has reasonable grounds to suspect that a child is or may be in need of protection, the act requires that the person report their suspicions “immediately” to a Children’s Aid Society and provide the information on which the suspicions are based. Therefore, teachers, principals, and other professionals who, in the course of performing their professional or official duties, suspect that a child is or may be in need of protection must report this information without delay to a Children’s Aid Society.” For the purposes of this Administrative Procedure, “other professionals” include all CDSBEO staff.

Principles

The Child, Youth and Family Services Act

Subsection 125(1) of the Child, Youth and Family Services Act, which came into force on April 30, 2018, characterizes a child in need of protection when there are reasonable grounds to suspect one of the following:

1. The child has suffered, or there is a risk 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:
 - a. failure to adequately care for, provide for, supervise, or protect the child, or
 - b. pattern of neglect in caring for, providing for, supervising or protecting the child.
2. 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 abuse or sexual exploitation and fails to protect the child;
3. There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 2;
4. The child requires 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 the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, the treatment on the child’s behalf;
5. The child has suffered emotional harm, demonstrated by serious:
 - a. anxiety;
 - b. depression;
 - c. withdrawal;
 - d. self-destructive or aggressive behaviour, or
 - e. 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;

6. The child has suffered emotional harm of the kind described in subparagraph 5 a, b, c, d or e and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment; or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm;
7. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 5 a, b, c, d or e 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;
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 5 a, b, c, d or e and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to prevent the harm;
9. 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 the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment to remedy or alleviate the condition;
10. The child's parent has died or is unavailable to exercise 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;
11. The child is younger than 12 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 services or treatment or access to services or treatment, or where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment;
12. The child is younger than 12 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.

Action Required

The Children's Aid Society

The functions of the Children's Aid Society are found in subsection 35(1) of the Child, Youth and Family Services Act, as follows:

1. investigate allegations or evidence that children may be in need of protection;
2. protect children where necessary;
3. provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;
4. provide care for children assigned or committed to its care under this Act;
5. supervise children assigned or committed to its care under this Act;
6. place children for adoption under Part VIII (Adoption and Adoption Licensing); and
7. perform any other duties given to it by this Act or the regulations or any other Act.

CDSBEO Board Employees

In accordance with the Child, Youth and Family Services Act, the Board has the following expectations of its employees:

1. Board employees shall recognize their duty to promptly report a child in need of protection, in accordance with the Child, Youth and Family Services Act, and this Administrative Procedure.
2. Employees' duty to report is ongoing; they shall be obliged to report suspicion or knowledge of the need for protection, even when previous reports have been made.
3. Employees having a suspicion or knowledge of the need for protection shall report directly to the Children's Aid Society. It is not appropriate to rely on someone else (e.g. the school principal) to make the report on the employee's behalf.
4. Employees who make a report to the Children's Aid Society will inform the student's school administration, who will document that a report has been made and retain record of the report.
5. Under the Child, Youth and Family Services Act, if the child is 16 or 17 years old, there is no duty to make a report; however, under this Administrative Procedure, if a child who is 16 or 17 years old is deemed to be in need of protection, then employees will report to the Children's Aid Society and will inform the school administration.
6. Under this Administrative Procedure, when there is suspicion or knowledge of a need of protection for students from other students, employees will inform the school administration, who may consult with the Children's Aid Society.
7. The Child, Youth and Family Services Act, 2017, makes it an offence for every person performing professional or official duties with respect to children to fail to report a child who, they suspect, is or may be in need of protection. Subsection 125(6) expressly identifies teachers, designated early childhood educators, and principals as such persons, according to PPM 9. If such professionals obtain information, in the course of performing their professional or official duties, that leads them to suspect that a child is or may be in need of protection, they must report this suspicion. If they do not report the suspicion, they are liable, upon conviction of the offence, to a fine of up to \$5000.
8. Under the Child, Youth and Family Services Act, no action for making a report will be taken against any CDSBEO employee who acts in accordance with the duty to report,

unless the person acts maliciously or without reasonable grounds for the suspicion.

9. Employees' duty to report shall override the provisions of any other provincial statute, specifically those provisions that would otherwise prohibit disclosure of confidential information by the professional or official.
10. School principals shall make all employees and volunteers at their schools aware of their obligations under the Child, Youth and Family Services Act and this Administrative Procedure.
11. If an investigation by the Children's Aid Society determines that a staff member has harmed a student, the Superintendent of Human Resources, or designate, shall report to the Ontario College of Teachers any professional misconduct on the part of a teacher, regardless of the student's age. A similar report shall be made to the relevant regulatory college of other professional staff in the case of similar findings (e.g., RECE, psychologist, social worker, speech and language pathologist).
12. The Board and its staff members will cooperate fully with the Children's Aid Society and the police during any investigation, and provide access to relevant information, except as prohibited by law.

Responsibilities

The Board of Trustees is responsible for:

- Reviewing this Administrative Procedure as part of its regular policy and administrative procedures review cycle.

The Director of Education is responsible for:

- Ensuring the Reporting Children in Need of Protection Administrative Procedure conforms with the provisions of the Child, Youth and Family Services Act;
- Ensuring the implementation of and compliance with this Administrative Procedure, including the designation of required resources.

Superintendents of Schools and System Portfolios are responsible for:

- Ensuring principals are consistent with the application of this Administrative Procedure;
- Ensuring that any employee for whom they have supervisory responsibility is aware of the requirements under this Administrative Procedure.
- Notifying the Superintendent of Human Resources of any allegations of physical, sexual, and/or emotional harm of a student involving a board employee.

The Superintendent of Human Resources or designate is responsible for:

- Liaising with the CAS and police when an investigation is open that involves a board employee.
- Reporting to the Ontario College of Teachers any professional misconduct on the part of a teacher, regardless of the student's age. A similar report shall be made to the relevant

regulatory college of other professional staff in the case of similar findings (e.g., RECE, psychologist, social worker, speech and language pathologist).

Principals and Vice-Principals are responsible for:

- Ensuring staff whom they supervise are aware of the requirements under this Administrative Procedure.
- Informing the Superintendent of Human Resources or designate of any allegations of physical, sexual, and/or emotional harm of a student involving a board employee.
- Contacting police according to requirements as outlined in the Police/Board Protocol - [Police and School Board Protocol - A Collaborative Response to Keeping our Students Safe](#).
- Conducting their own investigation of the matter once the CAS and/or police investigation is complete.

Staff are responsible for:

- Promptly reporting a child in need of protection to the Children’s Aid Society;
- Understanding and complying with this Administrative Procedure.
- Acting in compliance with the Professional Standards of the Ontario College of Teachers which includes the [Ethical Standards for the Teaching Profession](#) and the [Professional Advisory: Duty to Report](#).
- Completing annual Board training on Duty to Report as well as other training related to Child Sexual Abuse Prevention Training.

Progress Indicators:

All Board employees are aware of, and fulfill, their professional obligation to report children who may be in need of protection.

Definitions

- **Abuse** – The Ontario Association of Children’s Aid Societies define abuse when a child is hurt intentionally or when a parent or caregiver does not provide the protection a child needs. Physical and sexual abuse are often the most recognizable, but neglect and emotional abuse can be just as damaging.
- **Boundaries** – The Ontario College of Teachers references the definition of boundaries as the verbal, physical, emotional and social distances that an educator must maintain in order to ensure structure, security, and predictability in an educational environment.
- **Child** – Under the [Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1](#), a child is defined as a person younger than 18.
- **Reasonable** – Reasonable refers to the information that an average person, exercising

normal and honest judgment, would need in order to make a decision to report.

References

- [Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14 Sched. 1](#)
- [Ministry of Children and Youth Services Policy Directive: CW 003-18 Protection Services for 16-17 Year Olds](#)
- [Reporting Child Abuse and Neglect – It's Your Duty, Ontario Ministry of Children and Youth Services](#)
- [Education Amendment Act \(Progressive Discipline and School Safety\), 2007, S.O. 2007, c. 14 – Bill 212](#)
- [Ontario Colleges of Teachers Act, 1996](#)
- [The Ontario College of Teachers](#)
- [The Ontario College of Teachers - Professional Advisory: Duty to Report](#)
- [Duty to report – Ontario Association of Children's Aid Societies \(oacas.org\)](#)