Northeastern Catholic District School Board

CHILD AND YOUTH PROTECTION

Administrative Procedure Number: APE026

POLICY STATEMENT

The Northeastern Catholic District School Board (NCDSB) is committed to providing a safe, nurturing, positive and respectful learning environment focused on student well-being. The NCDSB believes that it has a shared responsibility to protect children and youth from abuse and neglect. As such, the NCDSB will serve as a protective partner in the reporting of suspected abuse or neglect in order to help secure the necessary supports for victims and their families.

REFERENCES

Education Act
Child and Family Services Act, 2017
Bill 123, Erin's Law (Child Sexual Abuse Prevention and Reporting)
Ontario College of Teachers Professional Advisory – Duty to Report, 2015
Criminal Code of Canada
Ontario Association of Children's Aid Society (website)
Policy Program Memorandum (PPM)
    9 Reporting of Children in Need or Protection
NCDSB Records Retention Schedule
NCDSB Policy
    E-24 Personal Information Management
    E-26 Child and Youth Protection
    E-31 Volunteers in Schools

DEFINITIONS

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

Physical Abuse
Any deliberate physical force or action, by a parent or caregiver, which results, or could result, in injury to a child. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing a child. Using belts, sticks or other objects to punish a child can cause serious harm and is also considered abuse.

Neglect
Occurs when a caregiver fails to provide basic needs such as adequate food, sleep, safety, education, clothing or medical treatment. It also includes leaving a child alone or failing to provide adequate supervision. If the caregiver is unable to provide the child with basic needs due to financial inability, it is not considered neglect, unless relief has been offered and refused

Emotional Abuse
A pattern of behaviour that attacks a child's emotional development and sense of self-worth. It includes excessive, aggressive or unreasonable demands that place expectations on a child beyond their capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring or isolating the child. It may also include exposure to domestic violence

Sexual Abuse
Occurs when a child is used for the sexual gratification of an adult or an older child. The child may co-operate because they want to please the adult or out of fear. It includes sexual intercourse, exposing a child's private areas, indecent phone calls, fondling for sexual purposes, watching a child undress for sexual pleasure, and allowing/forcing a child to look at or perform in pornographic pictures or videos, or engage in prostitution.

Reasonable Grounds
Refers to the information that an average person, using unbiased and honest judgement, would need in order to decide to report.

PROCEDURES

1.0 LEGISLATIVE DUTY TO REPORT

1.1 All employees and volunteers of the NCDSB who have reasonable grounds to suspect that a child is in need of protection, must immediately exercise their duty to report the suspicion and the information on which it is based to a child welfare agency.

1.2 The Principal must be informed that a report has been made regarding a student of the school.

1.3 Under no circumstance will a Principal or other member of the NCDSB community interfere with a person's duty to report.

1.4 The individual employee or volunteer will retain primary responsibility and must report personally to the respective child welfare agency.

1.5 When disclosure is received, or there is suspect against a Principal, the employee suspecting the abuse shall report to the respective child welfare agency and notify the appropriate Superintendent of Education, who has the duty to enact the appropriate process.

1.6 Reporting is by law required forthwith.

1.7 School personnel should not conduct an investigation regarding the suspicion or the disclosure and should question the student only to clarify the nature of the complaint, if applicable.

1.8 The Principal will ensure appropriate student supervision during instructional time should a staff member require time to fulfill their duty to report.

1.9 The identity of any individual who makes a report under the Duty to Report will not be disclosed to the child's family. The confidentiality of the reporter will be maintained, in accordance with the *Child, Youth and Family Services Act* and Board policy.

2.0 INVESTIGATION ON SCHOOL PREMISES

2.1 In certain situations it may be necessary for investigations of suspicions to occur on school premises. Where a child is to be interviewed at school, it is recommended that the investigating agency adopt the following procedures. It is understood however, that direction will be taken by the authority in charge of the investigation.

i) Where there is a suspicion that a child is in need of protection and there is a risk of harm to the safety and/or wellbeing of the child if the parent/guardian has prior knowledge of the interview, the child welfare agency/investigation team may direct the Principal to permit the interview to take place without parental consent and in the absence of the parents/guardians on school premises.

ii) Where the child welfare agency/investigating team do not object to the presence of at least one parent/guardian at the interview of the child at school, the investigating agency would seek prior parental consent to the interview, encourage the parent/guardian to attend, and give the Principal sufficient notice of the visit.

iii) Where a parent/guardian is unavailable and the investigating agency does not object, the Principal or designate will arrange for a support person who is over the age of eighteen (18) years and with whom the child is comfortable to be present during the interview.

iv) The removal of a child from school property without parental consent by an agent of the child welfare agency or the police will constitute an "apprehension" as defined under the *Child and Family Services Act* of that child and will thereby fall within the legal jurisdiction of the agency or of the police.

3.0 INVESTIGATION INVOLVING A STUDENT WITH SPECIAL NEEDS

3.1 The NCDSB recognizes the particular vulnerability of students with special needs. Procedures following the report of a suspicion of abuse or neglect, or a disclosure will be followed with consideration of additional or appropriate assistance to a child whose disability affects the ability to communicate.

3.2 The Principal and/or primary person who reported will ensure that the investigating agency or police are aware of whatever needs and accommodations are necessary for the child. Such accommodations may include the presence of a known adult during the investigation process.

4.0 ACCESS TO INFORMATION

4.1 In accordance with *the Child and Family Services Act* and the *Municipal Freedom of Information and Protection Privacy Act*, the child welfare agency and the school should share as much information as is necessary to ensure the child's safety and well-being.

4.2 It is preferred that the sharing of information is done with written parental consent if the child is under the age of eighteen (18) years. When it is not possible, or there is risk that the child's well-being and safety may be endangered if parental consent is obtained, then information will be shared to the extent necessary to ensure the child's well-being and safety.

4.3 At no time shall the attempt to share information and/or to obtain parental consent obstruct the duty to report suspicion that a child is or may be in need of protection.

5.0 MAINTAINING AND RETAINING RECORDS

5.1 Persons who are involved in receiving a disclosure or suspect child abuse or neglect must keep accurate and factual documentation. It should be noted that these documented notes and records can and might, at some later date, be subject to review by a court during criminal or civil proceedings. Therefore, documentation should be handwritten and stored in a secure location.

5.2 Documentation must:

i) be factual and include dates and times;
ii) be brief and to the point;
iii) be confined to information seen or heard by the employee or volunteer;
iv) include questions that were asked of the student.

5.3 To facilitate with the process of documenting disclosure or suspected child abuse or neglect, employees and/or volunteers must use the form entitled "*Record of Information – Child and Youth Protection*" as a standard method of documentation.

5.4 All records of documentation shall be retained in a secure location in the office of the Principal. This will help to ensure the safe keeping and security of all such documentation relating to the safety and well-being of the students.

5.5 No such records of documentation will ever be stored in the child's Ontario Student Record.

6.0 DETAILED PROCEDURES

Detailed procedures for specific situations are outlined in the appendices to this procedure.

7.0 TRAINING AND EDUCATION

7.1 Employees and Volunteers

i) Participate annual training on the recognition, prevention, and reporting of child abuse and neglect, consistent with the requirements of *Erin's Law* and applicable child protection legislation.

ii) Training will include but is not limited to:

- The duty to report and how to make a report directly to a child protection agency.
- Recognizing signs and indicators of child abuse, neglect, or sexual exploitation.
- Understanding appropriate boundaries and maintaining professional relationships with students.
- Responding appropriately and sensitively to a student's disclosure of abuse.
- unsafe situations

7.2 Student Learning and Prevention Programs

i) In accordance with Erin's Law, the NCDSB will ensure that age-appropriate, evidence-informed prevention education is provided to students in all schools.

ii) This education will:

- Teach students to recognize unsafe situations and relationships.
- Help students identify trusted adults at home, at school, and in the community.
- Be aligned with the Ontario curriculum and the Board's Religious Education programs, emphasizing respect for human dignity and the sacredness of each person.

iii) Schools will integrate this learning into existing health, religion, and personal safety programs, ensuring reinforcement at each developmental stage.

7.3 Review and Collaboration

i) The NCDSB will collaborate with community partners, including local child protection agencies, public health, and law enforcement to develop, review, and update training and educational materials.

ii) Training logs for student and staff training and learning should be maintained and reviewed as necessary to ensure compliance to the legislative requirements and this administrative procedure.

8.0 RELATED FORMS AND DOCUMENTS

DOCUMENT: Disclosures or Suspicions of Child Abuse
DOCUMENT: Allegations of Child Abuse by a Staff Member on a Student
FORM: Record of Information – Child and Youth Protection

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