



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

PROCEDURAL GUIDELINES CHILD ABUSE

The Huron-Superior Catholic District School Board recognizes that all its employees have a moral and legal responsibility to value and respect the rights of each child so that all students can grow and develop freely. The following guidelines are available to employees to assist them in protecting all children in their care.

DEFINITIONS

- i. Child: For the purpose of the duty to report, a child is a pupil under the age of 16 years unless the pupil is a ward of a child protection agency. If the pupil is a ward of one of the agencies, then a child is a pupil up to the age of 18 years.
- ii. Reasonable grounds - "reasonable grounds" refers to the information that an average person, using normal and honest judgement, would need in order to decide to report.
- iii. Representative of the board (or board representative) - A representative of the board is an adult who is approved by the board, supervisory officer, or principal, to be present and/or assist in a school/facility. This person is not paid a wage or salary by the board, (i.e., volunteers, college students on placement, student teachers).
- iv. Team - The investigating team will consist of a child protection worker and a police officer when necessary, and for members of one of the First Nations communities, a member of the Band Council will be involved. Additional child protection staff and police officers may be required to assist the investigating team when circumstances warrant."
- v. Employee - A board "employee" is any person on the board's payroll (e.g., teacher, principal, vice-principal, care staff, clerical, educational assistant)
- vi. Child protection agency – refers to any of the child and family protection agencies located in the jurisdiction of the Huron-Superior Catholic District School Board, and this list is available as a supplemental form found in "Related Forms" of policy 7000 on the board's web page, entitled, *Child Protection Agencies for Schools of the HSCDSB*.

LEGAL RESPONSIBILITY

Therefore, every employee and representative of the board who has reasonable grounds to suspect that a child is in need of protection as described in the Child and Family Services Act;

- Has suffered physical harm.
- There is a risk that the child is likely to suffer physical harm.
- Has been sexually molested or sexually exploited, including by child pornography.
- There is a risk that the child is likely to be sexually molested or sexually exploited.
- Has suffered emotional harm.
- There is a risk that the child is likely to suffer emotional harm.
- Has treatment for a condition with held that could seriously impair the child's development.
- Has been abandoned.

SHALL FORTHWITH REPORT the suspicion and information on which it is based to the applicable child protection agency (See Related Forms) and/or the police services (where appropriate), and then to the principal and/or supervisor.

It is important to note that the reporting requirement for professionals (including teachers and counsellors) is a broader requirement than for the general public.

"Despite the provisions of any other Act, a person referred to in subsection (4) who, in the course of his or her professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information on which it is based to a society" (Section 68, Child and Family Services Act).

PROCEDURES FOR REPORTING CHILD ABUSE

Within this guideline there are 2 separate paths to follow when reporting a suspected case of child abuse:

- A. PROCEDURES FOR REPORTING CHILD ABUSE WHERE THE ALLEGED ABUSER IS NOT AN EMPLOYEE/REPRESENTATIVE OF THE BOARD.*
- B. PROCEDURES FOR REPORTING CHILD ABUSE WHERE AN EMPLOYEE/REPRESENTATIVE OF THE BOARD IS THE ALLEGED ABUSER.*

A. PROCEDURES FOR REPORTING CHILD ABUSE WHERE THE ALLEGED ABUSER IS NOT AN EMPLOYEE/REPRESENTATIVE OF THE BOARD.

1. The employee/representative who has reasonable grounds to suspect abuse has occurred or is occurring shall FORTHWITH REPORT SUCH INCIDENTS:
 - a) If the pupil is under 16 years of age or a ward of the one of the agencies up to 18 years, contact the applicable child protection agency found in related forms: *Child Protection Agencies for Schools of the HSCDSB*.
 - b) If the pupil is 16 years of age and up to 18 years, contact the police.
 - c) If the pupil is 18 years of age or older, the employee/representative of the board, to whom a disclosure is made, is encouraged to support the pupil in reporting the incident/situation to the police services.

Note: From Children's Aid Society (C.A.S.) Protocol "All district school board personnel, volunteers and other professionals working for the board who have reasonable and probable grounds to believe a child is in need of protective services shall immediately report the situation directly to the Children's Aid Society. The onus lies with the person who first hears the information or has concern to immediately make the report to the agencies. School employees who have any information that causes them concern with regard to the potential of, or actually putting a child at risk of harm, must report the matter immediately to the child protection agencies."

2. After calling the applicable child protection agency or police services, the employee/representative **SHALL FORTHWITH**:
 - a) Complete the *Child Abuse Reporting Form* as far as possible.
 - b) Inform the principal/supervisor that a report has been made.
 - c) Obtain the signature of the principal/supervisor on the completed *Child Abuse Reporting Form*.
 - d) Send a copy of the completed *Child Abuse Reporting Form* to the appropriate parties as instructed on the form itself.
 - e) Retain one copy of the completed *Child Abuse Reporting Form* for self.
3. The principal shall file a copy of the completed *Child Abuse Reporting Form* in the in-school file: "Child Abuse Reporting".
4. The principal/supervisor and the person reporting shall keep a written account of any pertinent facts relating to the incident, e.g.,:
 - Person reporting - a written account of incidents as told by the child.
 - Ongoing observations.
 - Additional contacts with the applicable child protection agency/ police services.

These written facts shall be made available, upon request, to the applicable child protection agencies / police services, the director/designate, and legal counsel for the employee/representative and board.

Note: Legal counsel is provided for the employee/representative of the board, who reports the alleged abuse, if needed, through the school superintendent.

5. The employee/representative making the report and the principal/supervisor shall cooperate with the investigating agency(ies).
6. The employee/representative who made the report, where possible, shall be kept informed of the proceedings.

Note: From Children's Aid Society Protocol:

The team shall provide to the principal sufficient information, as the investigation progresses to its conclusion, to enable school personnel to support the child and to continue the ongoing relationship between home and school, In particular, the team shall inform the principal as soon as possible:

- a) *When school personnel may resume contact with one or both parents.*
 - b) *If the child is placed in the care of C.A.S.*
 - c) *Whether or not child protection proceedings will be commenced.*
 - d) *Whether or not criminal charges will be laid.*
 - e) *The existence and terms of any court orders regarding access by the parent(s) to the child.*
 - f) *If the investigation is delayed.*
 - g) *Any other information which the team deems to be advisable.*
7. The director/designate will keep system-wide statistics pertaining to all cases of reporting child abuse.

B. PROCEDURES WHERE AN EMPLOYEE OR A PERSON REPRESENTING THE BOARD IS THE ALLEGED ABUSER.

In cases where a pupil is alleged to have suffered abuse by an employee, or a person representing the board, the procedures are based on the following position:

- Promoting the best interest, care, protection, and well-being of pupils. (e.g., If the pupil is under the age of 18 years, the investigating team in consultation with the principal will make arrangements for contacting the child's parent about the abuse prior to the child being interviewed.)
- Recognizing where an employee or person representing the board is the alleged offender, this person is entitled to:
 - a) The right to have representation.
 - b) The presumption of innocence.

- c) Confidentiality insofar as it is possible.
 - d) A fair hearing.
 - Complying with the applicable legislation.
 - Applying discipline where appropriate.
1. The employee/representative who has reasonable grounds to suspect that abuse has occurred or is occurring shall FORTHWITH REPORT SUCH INCIDENTS:
 - a) If the pupil is under 16 years of age or a ward of the one of the agencies up to 18 years, contact the applicable child protection agency found in related forms:
Child Protection Agencies for Schools of the HSCDSB
 - b) If the pupil is 16 years of age and up to 18 years, contact the police services.
 - c) If the pupil is 18 years of age or older, the employee/representative of the board, to whom a disclosure is made, is encouraged to support the pupil in reporting the incident/situation to the police services.

Note: From the Children's Aid Society Protocol: School employees who are unsure as to whether the information they have warrants reporting will provide the information they have and consult with the applicable child protection agency

2. **After calling** the applicable child protection agency or police service, the employee/representative SHALL FORTHWITH:
 - a) Complete the *Child Abuse Reporting Form*, as far as possible (See Related Documents).
 - b) Inform the principal/supervisor that a report has been made.
 - c) Obtain the signature of the principal/supervisor on the completed *Child Abuse Reporting Form*.
 - d) Send a copy of the completed *Child Abuse Reporting Form* to the director of education.
 - e) Retain one copy of the completed *Child Abuse Reporting Form* for self.
3. The principal shall:
 - a) FORTHWITH CONTACT THE DIRECTOR/DESIGNATE.
 - b) File a copy of completed *Child Abuse Reporting Form* in the in-school file "Child Abuse Reporting".
4. The principal/supervisor and the person reporting shall keep a written account of any pertinent facts relating to the incident, e.g.,:
 - Person reporting - a written account of incidents as told by the child.
 - Ongoing observations.
 - Contacts with the child protection agency/ police services.

These written facts shall be made available, upon request, to the appropriate child protection agency/ police services, the director/designate, and legal counsel for the employee/representative and board.

Note: Legal counsel is provided for the employee/representative of the board, who reports the alleged abuse, if needed, through the director/designate.

5. The employee/representative making the report and the principal/supervisor shall cooperate with the investigating agency(ies).
6. The employee/representative who made the report shall be kept informed, where possible, of the proceedings.
7.
 - a) The director/designate shall, in accordance with the Criminal Code, inform the alleged offender that a report has been made to the child protection agency, or police services. This means that the alleged offender is informed unless the agency or police services indicate that such knowledge would interfere with the investigation. Details or particulars shall NOT be provided to the alleged offender, (i.e.: name of person making the report, or name of child making the disclosure).
 - b) When the director/designate advises the alleged offender of the report, the alleged offender shall be made aware of the right to assistance from the appropriate federation or union.
 - c) The director/designate shall NOT interview the pupil or the alleged offender. The appropriate child protection agency and/or the police services who have the expertise to investigate allegations of abuse will handle the investigation of the incident.
 - d) The principal/supervisor and the employee/representative who made the report may be interviewed by the relevant child protection agency, police services and the staff review panel.
(See #8 below.)

8. STAFF REVIEW

- a) Upon notification that a report has been made to the applicable child protection agency or police service alleging child abuse by an employee/representative of the board, the director/designate shall liaise with the child protection agency and/or police services.
- b) The director/designate will ensure that the employee's work location is reviewed, and that an appropriate work location is determined in light of the preliminary investigation. Work locations may include:
 - The original work location.
 - Home duty with pay.
 - Alternate work location.

The employee may also be:

- Suspended with pay.
- Suspended without pay.
- Terminated.

Prior to formulating any recommendations or decisions, the director/designate may consult with legal counsel retained by the board, and others as appropriate. Note: For persons acting as representatives of the board, the services of the representative may be suspended from the time of the initial report to the relevant child protection agency or police service.

- c) The director/designate shall NOT interview the alleged offender or the pupil, while/prior to the child protection agency/ police investigative interview.
- d) The director/designate shall review the findings of the child protection agency / police services as they are made available. These findings are confidential as far as possible. Information may be received from and shared with the agency/ police services.
- e) If criminal charges are laid, the director/designate shall review the employee's work status and make recommendations to the board, which may include:
 - The original work location.
 - Home duty with pay.
 - Alternate work location.The employee may also be:
 - Suspended with pay.
 - Suspended without pay.
 - Terminated.
- f) Whether the board employee is found guilty or not guilty of criminal charges, or if the criminal charges are dismissed, the director will make a recommendation to the board regarding continuance of employment, terms of employment and termination of employment.

Note: A report indicating all allegations of abuse against employees shall be made quarterly to the board, as well as at the first board meeting after which an allegation has been made.