

NUMBER:	<i>to be determined</i>
TOPIC:	Child Abuse – A Resource & Training Guide Additional Board Practices
EFFECTIVE:	February 2005
CROSS-REFERENCE:	
REVISION DATE:	February 2010
RESPONSIBILITY:	Executive Officer of Human Resources

INTENDED PURPOSE

The Halton District School Board recognizes all children have the right to be protected. All Board employees and volunteers have a vital role to play in the identification and prevention of child abuse, and the Board expects all staff and volunteers will act in a sensitive manner with all individuals involved.

It is important that employees and volunteers of the Halton District School Board are aware of the procedures for reporting circumstances (which come to their attention during the course of their employment or volunteer activities) which prompt them to believe that a pupil is or may be in need of protection.

PROCEDURES:**Duty to Report****Who Must Report**

The duty to report applies to everyone, including a person who performs professional or official duties with respect to children. **All school personnel have the duty to report** when there are reasonable grounds to suspect that a child has suffered, or there is a risk that a child is likely to suffer abuse, or neglect.

Ongoing Duty to Report

The duty to report is an ongoing obligation. If a person has made a previous report about a child and has additional reasonable grounds to suspect that a child is or may be in need of protection, that person must make a further report to the Children's Aid Society.

Duty to Report Directly

The person who has the reasonable grounds to suspect that a child is **or may be in need of protection** must make the report directly to the Children's Aid Society. The person must not rely on anyone else to report on his or her behalf.

PROTECTION UNDER THE ACT

The *Child and Family Services Act* Section 72 (7) provides that anyone who acts in good faith in reporting child abuse is protected from civil suit unless the giving of the information is done maliciously or without reasonable grounds to suspect that the information is true.

For the purposes of this policy, the definitions from the *Child and Family Services Act, 1990* apply. Please refer to **DEFINITIONS** attached to this Operational Procedure.

PROCEDURE

MAKING A REPORT

If a Board employee has reasonable grounds to suspect that a child is or may be in need of protection, **the person must immediately report the suspicion** and the information upon which it is based to the Children's Aid Society.

A Principal or Vice-Principal may immediately investigate an incident of a physical nature in order to assist the employee/volunteer in determining whether "reasonable grounds" exist which would necessitate a report to the C.A.S.

General Information:

- A child in need of protection is a child, who has suffered or is at risk of physical, sexual, or emotional harm or neglect.
- If a staff member is unclear about a situation or if a child may be in need of protection, **that person must consult with the Children's Aid Society.**
- The principal of the school where the child attends must also be informed that a report will be or has been made. All internal policies and protocols must be followed.
- The employee may confer with the principal, the social worker, the supervisor or the superintendent prior to reporting any suspicion of a child in need of protection to the Children's Aid Society, ***however it must not unduly delay the report of the incident and the safety of the child must be of primary importance.***
- The referring employee, principal, supervisor and/or superintendent, if requested by CAS, will provide additional information to aid in the determination of whether a child is in need of protection. The final determination of whether an investigation will result is the decision of the Children's Aid Society.
- **The anonymity of the referral source when made by a professional cannot be guaranteed.** The Halton CAS will not mention the referral source unless needed through court, however the family may be informed that the call came from the "school". In order to fulfill the legal obligation to report, a professional must identify himself/herself to the CAS when making a referral.

The Formal Report:

When making a report to the Children's Aid Society, the following information is required:

- The sex, name, birth date(s), address(es) of the alleged victim(s), sibling(s), other potential victim(s).
- The parent(s)/guardian phone number both at home and at work.
- The name and phone number of emergency contact.
- The relationship of the alleged victim(s) to the alleged offender and the names of the schools attended by sibling(s) and other potential child victim(s).
- The full name of the employee who reports the alleged incident and how they can be contacted
- A clear description of the problem. Describe any injury or disclosure. Give both time and date of disclosure.

- Describe current behaviours of the student, e.g. frequent absences, lateness, change in attitude, peer group etc.
- Describe language and cultural differences to facilitate the investigation, including need for an interpreter.
- Provide recommendations on how to approach the family.

Keep a written record of the information given to the Children's Aid Society.

Notify the Executive Officer of Human Resources or designate and the appropriate Superintendent of Education (School Operations) when the alleged perpetrator is a staff member or volunteer.

For all other incidents notify the appropriate Superintendent of Education (School Operations).

SCHOOL BOARD STAFF is the Alleged Abuser:

The Formal Report processes to the Children's Aid Society detailed on page 3 remains the same.

The Principal or designate will make contact with CAS and immediately notify the Executive Officer of Human Resources or designate. CAS will notify the Executive Officer of Human Resources or designate that a file has been opened.

The following process will apply:

- Pending the severity of the allegation and CAS recommendation, the alleged perpetrator may or may not have access to children during the investigation;
- Executive Officer of Human Resources or designate will
 - send the alleged perpetrator confidential **written confirmation** regarding work or non-work status with a copy to the president of the employee group.
 - provide an **absence code and project number** where required.
 - make necessary arrangements re: **HARRI** in the case of casual/on call workers.
 - **CAS will notify the Executive Officer of Human Resources or designate** of the outcome of the investigation, upon its conclusion.
 - Human Resources will send written confidential confirmation regarding the outcome and/or any action required or to be taken as a result of the investigation.

The Principal/Vice Principal arranges to meet with the employee. When the member is told is at the discretion of the administrator, but it should be done as quickly and professionally as possible. Be very clear to the individual that they have a right to have their Union/Association President present at the meeting.

- **The Meeting:**
Verify if they are having their Union/Association President present for the meeting. If they are, make sure they are present or on their way and wait for them. If they want to proceed without representation present advise them they should contact their representative immediately following the meeting.

Proceed by telling the employee the nature or reason for the meeting (**do not disclose student(s) name(s)**) and while the investigation is underway, they will be assigned home or reassigned (pending advice from Human Resources).

If assigned home with pay (casual or on call employees with pay for committed assignments):

- They are not to have any contact with the students or teachers on staff and they should not discuss the allegations with anyone other than their Union Representative/council while the investigation is underway.
- They will receive formal correspondence from the Board regarding the matter
- You recommend they contact or remain in contact with their Union / Association President during the investigation.
- Support is available through The Counselling Network.

Principals, staff and volunteers are reminded that once a disclosure has been made concerning sexual abuse by a staff member or volunteer, the disclosing student will not be questioned, nor shall any other inquiries be made until specific directions are received from the investigating Police or C.A.S./Police team and the Executive Officer of Human Resources or designate.

Reporting in a School with a School Based Family Service Worker

In schools where a Family Service Worker is based and there are concerns regarding a child's safety:

- a) **The Board staff member will report/consult with the Family Service Worker first.** The Family Service Worker will consult the supervisor at which time it will be determined if CAS involvement is warranted and if the Family Service Worker is the appropriate worker to respond.
- b) In the event the Family Service Worker is not available, the Board staff member must consult with the CAS as previously described. The lack of availability of the Family Service Worker must not delay the report of a child in need of protection.
- c) If the alleged perpetrator is a staff member, the Family Service Worker in that school will not conduct the investigation and the regular protocol for Board staff will be followed.

SUSPECTED ABUSE BY STUDENTS

Each school will include in its Student Code of Behaviour a definition of child abuse as outlined in these guidelines, as well as the possible courses of action and consequences deemed appropriate where a student has acted or may have acted in a manner which puts another child in need of protection.

Where a complaint of abuse is made against a student or where circumstances occur which suggest that a student is a suspected abuser, such complaint must immediately be brought to the attention of the Principal or Vice-Principal. The procedure followed to deal with the complaint or the circumstances will be those provided for under the Student Code of Behaviour.

RECORD KEEPING

(Complete "Record of Report to C.A.S." attachment to this Operational Procedure)

To provide accurate information to the Police or C.A.S. and to assist in the court process, staff and/or volunteers must document their knowledge of and involvement in the situation. The steps taken as a response to the suspicion of abuse must be recorded.

- Keep a personal record of the report and any other matters that are relevant.
- The Principal is required to keep a written record of the report. A copy of the written formal report must be given to the Principal within 48 hours and should include names.

Court Proceedings

Your notes may be subpoenaed to court as evidence. Should your notes be subpoenaed to court as evidence retain a copy for your records. If you are subpoenaed as a witness, you are allowed to take a copy of your notes for reference.

Confidentiality

All records and information concerning a reported case of suspected abuse or of a child in need of protection shall be considered **confidential** and released only to the appropriate Children's Aid Society or School Board personnel at the request of the appropriate Superintendent of School Operations or if the alleged abuser is a Board employee, the Executive Officer of Human Resources or designate.

ROLE and RESPONSIBILITIES DURING AN INVESTIGATION

The Role of the Halton Children's Aid Society

The role of CAS is to investigate suspected child abuse and neglect. The worker may attend the school and conduct interviews with the children. The worker may decide to remove a child from the school and the principal must allow the child to leave with the child protection worker.

A joint protocol with Halton CAS and Halton Regional Police requires that CAS contact police on severe cases. The CAS may notify police and it may be determined that they jointly interview the children at school.

Informing Parents

A consultation with the Principal or the Superintendent of School Operations and the Children's Aid Society, will determine when the parent will be informed of the referral and by whom. Informing the parents of the referral prior to CAS involvement may seriously jeopardize the investigation and may interfere with the protection of the child. **It is the obligation of the Children's Aid Society to inform the parent of the referral.**

The Role of the Police

In some instances the CAS will conduct joint interviews with Halton police. While the role of the CAS is to determine if abuse had occurred, ensure the protection of the child and identify the initial treatment needs of the child, the role of the police is to determine if a criminal act has been committed and if charges will be laid under the Criminal Code against the perpetrator of the abuse.

The Role of the School

Once the call has been made to the CAS all Board employees/volunteers are required to co-operate fully with the CAS/Police Investigative Team. *(The Police may take the primary role during the investigation where the alleged offender is not known to the child or is not in a position of trust or authority over the child. This refers to incidents of physical and/or sexual abuse between a child and someone outside a child's family.)*

The Principal or designate, teacher, school resource staff/special services staff, shall be available to support the child through the C.A.S./Police interview, ***if the child wishes.***

When the Police/C.A.S. Investigative Team members arrive at the school, **ask to see identification.**

The *Child and Family Services Act* takes precedence over existing legislation and school board policies which prohibit interference with the child by the Police or other professionals without prior parental consent.

Holding Children After School

In some circumstances a child may need to be detained after school for the purpose of the investigation. Once directed to do so by CAS, it is the responsibility of the school to inform the parents the child will be detained. When this is necessary the principal or designate will work in conjunction with the investigative team to determine the best approach with the paramount focus being the safety of the child. Once the Child Protection worker has arrived at the school he/she will assume full responsibility for the child and the communication with the parent.

In cases where a Children's Aid Society worker or a Police Officer intends to remove the child temporarily from the school, the Principal must allow the child to leave with that person.

Attachments

1. Definitions and Types of Abuse
2. Indicators of Child Abuse
3. Flow Chart – Reporting Procedures Student Under 16 Years of Age
4. Flow Chart – Reporting Procedures Student 16 Years and Older
5. Requirement Notice for Board Employees to Report Criminal Charges of a Sexual Nature
6. Record of Report to Children's Aid Society

Term	Definition and Types of Abuse
Child	<p>"a person under the age of eighteen". However, for purposes of reporting child abuse the definition applies to a child under the age of sixteen, unless the student is subject to a protection order under the <i>Child and Family Services Act</i>. (Section 37 (1) C.F.S.A.).</p>
Child Abuse	<p>The <i>Child and Family Services Act</i> defines "abuse" for the purposes of the Act as including a number of circumstances where the child is in need of protection. No single definition can cover all types of abuse.</p> <p>"Abuse" can mean actively hurting a child, sexually exploiting a child, failing to take proper care of a child, failing to provide proper supervision, failing generally to provide the necessities of life, or depriving that child of affection and acceptance. It can include behaviours such as habitually humiliating a child, denying the nurturing needs of the child, shaking an infant and causing physical trauma or coercing a child into sexual acts.</p>
Physical Harm	<p>Where the child has suffered physical harm inflicted by the person who has charge of the child or caused by that person's failure to care and provide for, supervise or protect the child adequately.</p> <p>Pattern of neglect in caring for, providing for, supervising or protecting the child or where there is a risk that this will likely occur.</p>
Sexual Abuse	<p>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; or where there is a risk that this will likely occur.</p>
In Need of Treatment	<p>The child requires medical treatment to cure, prevent or alleviate physical harm or suffering, or 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 the treatment to remedy or alleviate the harm or condition.</p>
Emotional Harm	<p>where the child has suffered emotional harm, demonstrated by serious,</p> <ul style="list-style-type: none"> i) anxiety; ii) depression; iii) withdrawal; iv) self-destructive or aggressive behaviour, or v) delayed development. <p>and there are reasonable grounds to suspect 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, 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, or where there is a risk that this will likely occur;</p>

Term	Definition and Types of Abuse
Abandonment	<p>a child will also be found to be in need of protection where the child has been abandoned, or the child’s parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provisions 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.</p>
Children Under 12 Offending	<ul style="list-style-type: none"> • where a child under the age of 12 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, the child will be found in need of protection. <p>a child who is less than 12 years old, who has killed or seriously injured another person or caused serious damage to another person's property and who requires services or treatment to prevent recurrence, will be found in need of protection where the child’s parent or person in charge of the child does not provide or refuses, is unavailable or unable to consent to those services or treatment</p>

Physical Abuse & Neglect Indicators

In most instances children present with a cluster of behavioural and physical indicators

Observation	Behaviours/Responses
Behavioural	<ul style="list-style-type: none"> • Cannot recall how observed injuries occurred or offers an inconsistent explanation • Wary of adults • May cringe or flinch if touched unexpectedly • Infants may display a vacant stare or frozen watchfulness • Extremely aggressive or extremely withdrawn • Displays extremely indiscriminate affection-seeking behaviour • Extremely compliant and/or eager to please • Begging, stealing food • Theft in general • Verbal evidence that there is no caretaker, no one at home – arriving early and/or staying late at school • Falling asleep in class • Delinquency; drug or alcohol use • Suicidal thoughts and/or behaviour
Physical	<ul style="list-style-type: none"> • Injuries (bruises, cuts, burns, fractures etc.) that are not consistent with the explanation offered, eg: extensive bruising to one area • Presence of several injuries that are in various stages of healing • Presence of various injuries over a period of time • Facial injuries in infants and preschool children, eg: cuts, bruises, sores etc. • Unexplained injuries eg: fractures, bruises, burns etc. • Injuries that are inconsistent with the child's age and developmental phase • Consistent hunger, malnutrition, underweight, dehydration • Poor hygiene, dirtiness, lice, skin disorders associated with improper hygiene • Inappropriate dress, exposure symptoms eg: sunburn, frostbite, recurrent colds, pneumonia • Consistent fatigue, listlessness • Unattended health problems

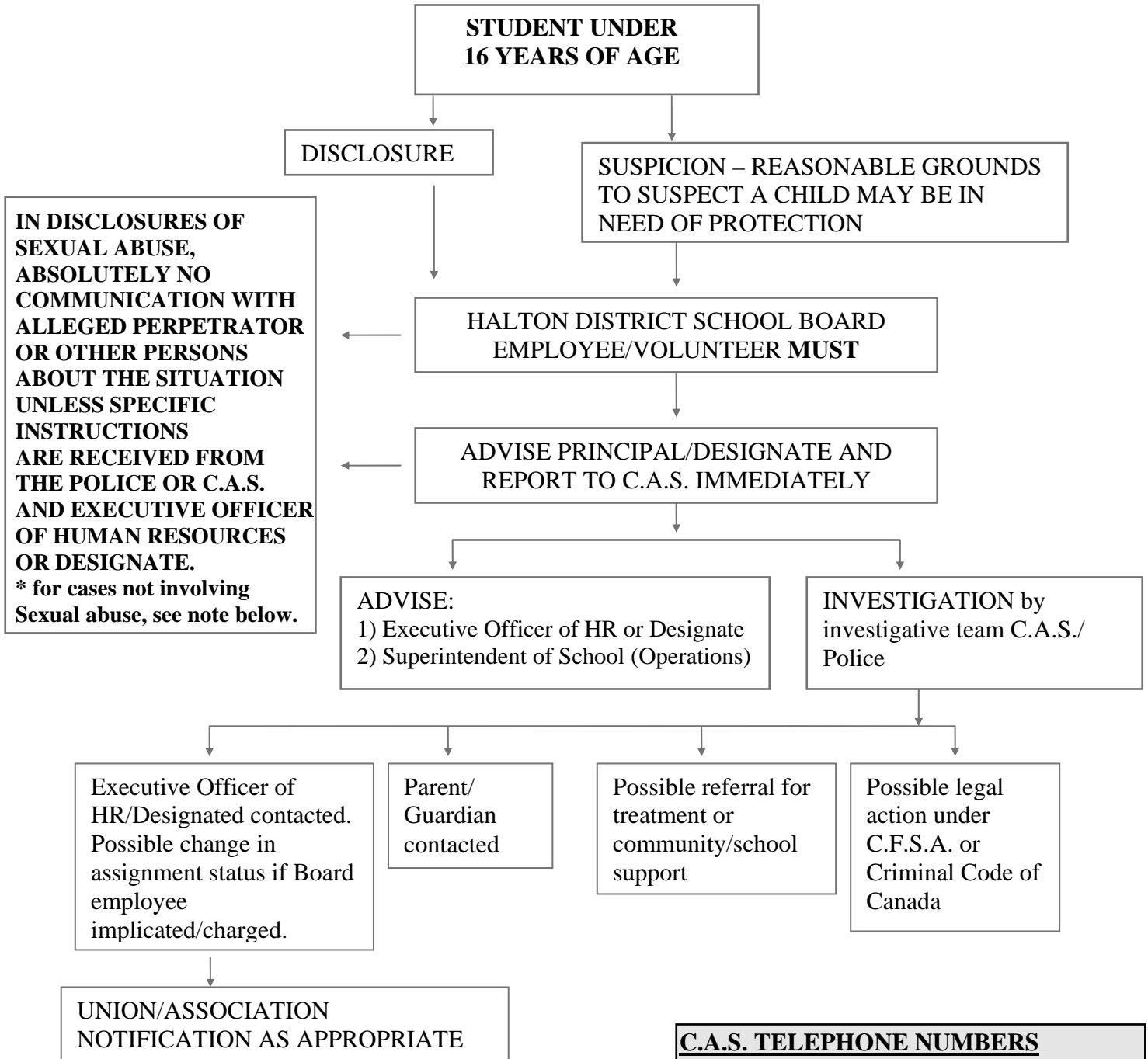
Sexual Abuse Indicators

Observation	Behaviours/Responses
Behaviour	<ul style="list-style-type: none"> • Age-inappropriate sexual play with toys, self, others eg: replication of explicit sexual acts • Bizarre, sophisticated or unusual sexual knowledge • Promiscuity • Prostitution • Seductive behaviours directed towards others
Physical	<ul style="list-style-type: none"> • Unusual or excessive itching in the genital or anal area • Torn, stained or bloody underwear may be observed if the child requires bathroom assistance • Pregnancy • Injuries to the vaginal or anal areas, eg: bruising, swelling or infection • Venereal disease

Emotional Abuse Indicators

Observation	Behaviours/Responses
Behaviour	<ul style="list-style-type: none">• Severe depression• Extreme withdrawal or aggressiveness• Overly compliant, too well-mannered• Too neat and clean• Extreme attention-seeking behaviours• Displays extreme inhibition in play
Physical	<ul style="list-style-type: none">• Frequent psychosomatic complaints: headaches, nausea, abdominal pains• Child fails to thrive

**HALTON DISTRICT SCHOOL BOARD
REPORTING PROCEDURES WHEN IT IS SUSPECTED ON REASONABLE GROUNDS
 THAT A CHILD IS, OR MAY BE IN NEED OF PROTECTION**



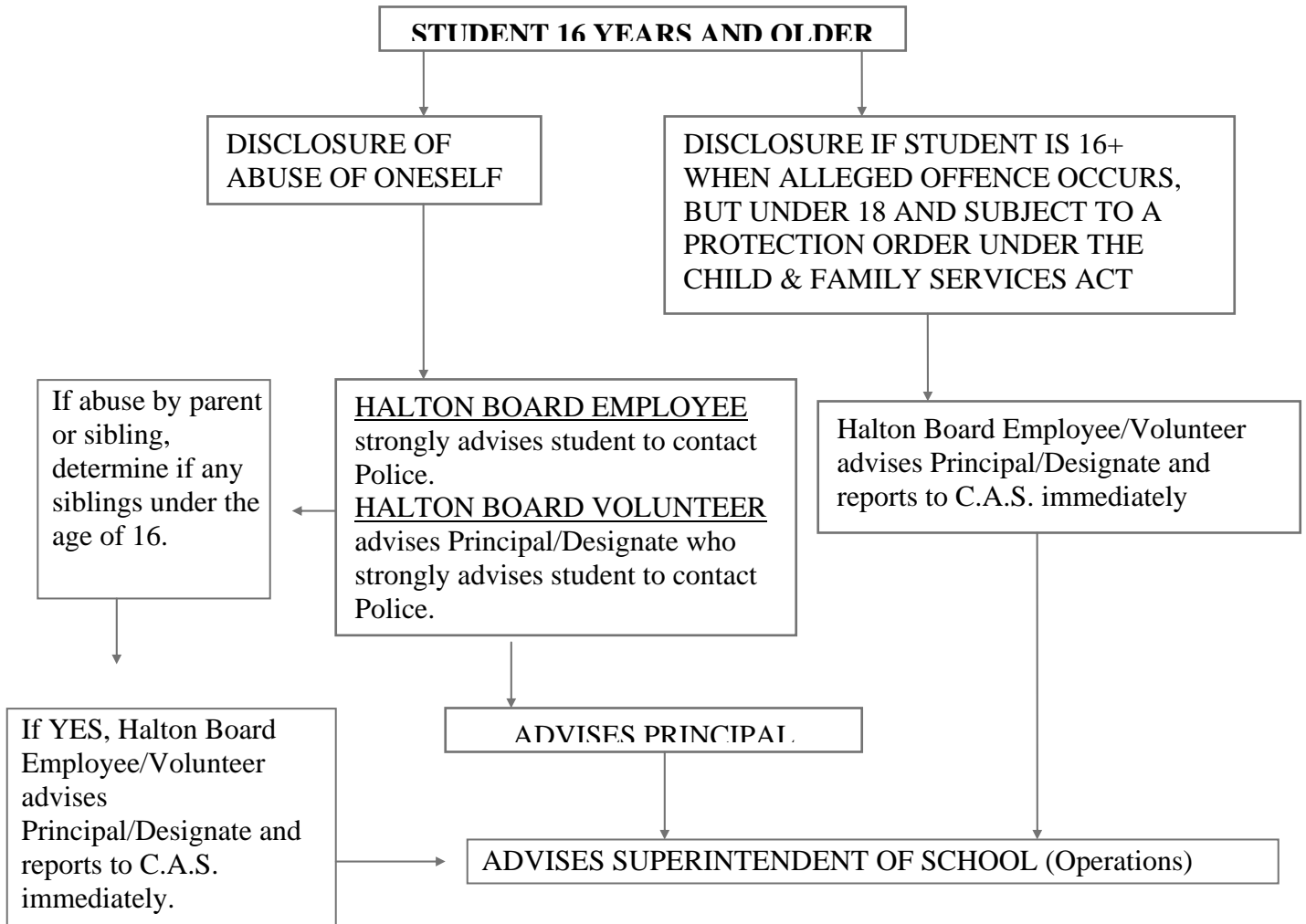
**IN DISCLOSURES OF SEXUAL ABUSE, ABSOLUTELY NO COMMUNICATION WITH ALLEGED PERPETRATOR OR OTHER PERSONS ABOUT THE SITUATION UNLESS SPECIFIC INSTRUCTIONS ARE RECEIVED FROM THE POLICE OR C.A.S. AND EXECUTIVE OFFICER OF HUMAN RESOURCES OR DESIGNATE.
 * for cases not involving Sexual abuse, see note below.**

*A Principal or Vice-Principal may immediately investigate an incident of a physical nature in order to assist the employee/volunteer in determining whether “reasonable grounds” exist which necessitate a report to C.A.S. However, where the employee believes there are reasonable grounds to suspect a child is or may be in need of protection, regardless of the Principal or Vice-Principal’s determination, the employee/volunteer must report immediately.

C.A.S. TELEPHONE NUMBERS
 Burlington (905) 333-4441
 Milton: (905) 876-1682
 North Halton: (905) 878-2375
 After hours, remain on line & follow prompts

HALTON DISTRICT SCHOOL BOARD

REPORTING PROCEDURES WHEN IT IS SUSPECTED ON REASONABLE GROUNDS THAT A CHILD IS, OR MAY BE IN NEED OF PROTECTION



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It is also a requirement by the Board, that employees report criminal charges of a sexual nature:

Where an employee of the Board or a volunteer is charged with a criminal offence of a sexual nature, he/she should report immediately the charges to his/her supervisor or Principal.

Having regard to our overriding obligation to our students, and in the interests of maintaining a safe and secure environment for students, the Board expects that any employee who receives information that another employee of the Board or a volunteer that has been charged with a criminal offence involving a person under the age of eighteen or of a sexual or violent nature, to advise his/her supervisor as soon as practical.

Similarly, the Board expects that any employee who receives information that another employee of the Board or a volunteer has been convicted of a criminal offence involving a person under the age of eighteen or of a sexual or violent nature, to advise his/her supervisor.

Alternate Assignments for Implicated Staff

The Executive Officer of Human Resources will meet with the staff member and advise that:

- the Board is aware that a report concerning the employee has been made to the Children's Aid Society,
- the Board is aware that the staff member is being investigated in connection with, or has been charged with, a **criminal offence of an abusive nature** involving students of any age, or young persons under the age of 18, whether or not they are students of the Halton District School Board.
- the staff member may, whenever possible, be **assigned** immediately to suitable **alternate duties** outside the school, not involving contact with students under the age of 18, until the charges have been disposed of, or if that is not possible, the staff member may be **sent home** with or without pay. This action will not be considered to be disciplinary action.
- upon **acquittal** or **conviction**, the assignment/status of the employee will be reviewed by the Office of the Director. In the event of a conviction, disciplinary action up to and including dismissal may be taken.
- alternatively, if the Board, having conducted its own investigation, concludes that the staff member is guilty of inappropriate behaviour, the Board may proceed to take disciplinary action up to and including dismissal.
- any future **communications** or **questions** for the Board are to be directed to the Executive Officer of Human Resources.

Support for Implicated Staff is available through:

- The Counselling Network (formerly known as the Employee Assistance Program)
- Union or Association representatives are available for assistance and consultation.

A re-entry plan for acquitted staff will be developed in consultation with the staff member, the union, and the Executive Officer of Human Resources.

DOCUMENT: (Be concise, write down what you saw, what was said, what you said)

1. Nature of abuse/neglect:

2. Steps taken to date:

3. Police Involvement, if required (See Note Below):

Notify the Police when the alleged offender is not known to the child or is not in a position of trust or authority over the child (refers to incidents of physical and/or sexual abuse between a child and someone outside the child's family who has no position of trust or authority).

Date & Time of Report to Police: _____ Police Contact Name: _____

4. Outcome of Subsequent Investigation by Children's Aid Society/Police:

Report compiled by:

Signature

Position

Date

**Keep a personal record of the report and any other matters that are relevant.
Keep all notes in a secure place.**