



Administrative Procedure

Title: Student Protection	Procedure #: AP607-1
Administrative Area:	Student Conduct and Safety
Policy Reference:	Student Protection (PO607)
Date Approved:	September 15, 2003
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1.0 Purpose

The purpose of this administrative procedure is to promote the safety and well-being of students and to clarify for staff and administrators the procedures for reporting suspected child abuse, neglect, sexual abuse or any other abuse of students, including any allegation of abuse of a student by a school board employee.

2.0 Definitions

Child or youth – a person under 18 years of age

Child Youth and Family Services Act (CYFSA) – the purpose of this act is to promote the best interests, protection and well being of children under the age of 18.

Children's Aid Society (CAS) – separate, independent organizations which have each been approved by the Ontario government's Ministry of Children and Youth Services to provide child protection services.

Emotional Harm – all acts that result in the lack of a nurturing environment for a child or youth. It occurs when the caregiver treats the child or youth in such a negative way that the child or youth's concept of self is seriously impaired. Emotional harm can be the most difficult to identify and prove.

Inadequate Medical Treatment – a caregiver has the responsibility to ensure that the child's medical needs are met. This includes ensuring that appropriate treatment for a child's mental, emotional or developmental conditions.

Inadequate Supervision – a child may be at a risk of harm if the caregiver fails to adequately care for, provide for, supervise or protect the child.

Physical Harm – any harm to a child or youth caused by the action (or lack of action) of a child's caregiver for example bruises or burns. Physical harm can occur as an isolated incident or continue over a period of time.

2.0 Definitions (cont'd)

Neglect – usually results from the lack of knowledge about appropriate care for children or an inability to plan appropriately for a child's needs.

Sexual Harm – any sexual exploitation of a child by an older person

3.0 Procedures

3.1 Reporting Suspected Abuse of Students Under 18 Years

3.1.1 The Role of Employees in Reporting Suspected Child Abuse

3.1.1.1 The Child Youth and Family Services Act requires that all professionals working with children, including teachers and school board personnel to report promptly any information or situation where a child has suffered physical harm or where there is reasonable grounds to suspect risk of harm caused by the person in charge of the child or if the child has been inadequately cared for, neglected or maltreated.

3.1.1.2 When a staff member has reasonable grounds to suspect that a child is or may be in need of protection, the suspicion and the information upon which it is based **must be reported promptly** to the Durham CAS. The situations that **must** be reported are listed in Appendix 1.

3.1.1.3 “Reasonable grounds to suspect that a child is in need of protection” means exercising normal and honest judgement. The employee does not need to be absolutely sure that a child is or may be in need of protection. A staff member is obligated to determine whether there are reasonable grounds to suspect abuse or that a child is at risk.

3.1.1.4 Children should not be pressed for answers or details they are unable or unwilling to give and answers should not be suggested to them. Any attempt to clarify information must be done through open-ended questions. Employees are not expected to be responsible for investigating or validating risk of harm or child maltreatment. The CAS conducts the investigation because it has the authority and requisite skills to determine whether abuse has occurred or a child is at risk. The person reporting can assist this process by providing as much clear and factual information as possible. (Please refer to the guidelines in Appendix 2).

3.0 **Procedures (cont'd)**

- 3.1.1.5 When a student shares a concern with an employee, the employee should remain as calm as possible. Hearing about abuse or recognizing the circumstances that exist which lead to a suspicion or reasonable grounds that a child is in need of protection, is emotionally charged and draining. The calmer the employee remains, the more clearly he/she will think and act.
- 3.1.1.6 A student who discloses physical, sexual, or emotional abuse will need much support from the adults within and outside the school setting. In order to facilitate the healing process which the student needs to experience, certain messages are very important at the time of the disclosure. Some of these are:
- I'm glad you told me. You did the right thing.
 - It's not your fault.
 - I'm sorry that this has happened to you.
 - You are not alone. This happens to other children, and it's wrong.
 - I'm concerned about your safety and so I have to consult with some other people about what you have told me. I will talk to the principal and a worker from The Children's Aid Society. One of them may want to ask you further questions. Remember we are concerned about your safety.
Together we will get some help for you.
- 3.1.1.7 If a student requests that the information he/she has shared is not disclosed to anyone else, it is important not to make promises that cannot be kept. The above messages should be reinforced.
- 3.1.1.8 After the disclosure, allow the student to remain in a safe place, in the care of another adult, if possible.
- 3.1.1.9 Once a disclosure has been made, the employee receiving the disclosure must advise the principal/designate about the disclosure. Coverage will be provided for the employee so that the call to CAS can be made immediately. Every effort must be made to contact the CAS as early in the day as possible to allow the CAS sufficient time to assess the situation if needed before the child returns home.
- 3.1.1.10 In consultation with the principal/designate, determine if further consultation, e.g., with the school Social Worker or Child and Youth Counsellor, is necessary. If the alleged perpetrator is a board employee, the staff member must notify the C.A.S., Police, and the Principal. If the alleged perpetrator is the Principal, the staff member has to notify the C.A.S., Police and the Superintendent.

3.0 **Procedures (cont'd)**

- 3.1.1.11 When calling CAS (telephone number: 905-433-1551), the employee should ask to speak to the intake duty worker and provide the necessary information by following the guidelines in Appendix 2. **The person who witnesses the disclosure must report directly to the C.A.S. and must not rely on anyone else to make the report (CFSA s.72(3)).** Time is often critical to the C.A.S. as siblings will also need to be interviewed. Should there be no follow up from C.A.S. with regard to subsequent support for the child, the supervisor of the case worker should be contacted.
- 3.1.1.12 It is important to be prepared when making a call to the CAS by ensuring that all pertinent information is available. The employee making the report should have begun to fill in the Student Protection Reporting Form in order to have the necessary information required by C.A.S. on hand.
- 3.1.1.13 **Failure to report where reasonable grounds exist to suspect that a child is or may be in need of protection can result in a fine of up to \$1,000 upon conviction. For teachers this failure may also lead to a finding of professional misconduct by the Ontario College of Teachers (CFSA 6.2)**
- 3.1.1.14 The employee should return to the student, and when possible and appropriate, inform him/her about what is to happen. If a C.A.S. worker is coming to the school to interview the student, the employee or the principal may offer to remain with the student during the interview, if approved by the C.A.S. and agreed to by the student. The employee is present during the interview **solely to support the student by his/her presence. Staff must not impede the legal investigation.** (Please refer to following section – School Response to a C.A.S. Investigation).
- 3.1.1.15 The employee is to complete the Student Protection Reporting Form (Appendix 3) (refer to Form 6002) and provide a copy of it to the principal who will forward it to the Director of Education and Family of Schools Superintendent.
- 3.1.1.16 Once the immediate needs of the student have been met, it is important that consideration be given for the safety of the student (e.g., returning home to an alleged perpetrator).
- 3.1.1.17 If a student discloses within a lesson, the educator should acknowledge it, try to remain calm and say something like: “I’m glad you told me” and then follow through with reporting the disclosure as soon as possible.
- 3.1.1.18 The employee should continue to support the student in any way possible, particularly through prayer and understanding. Remember, there may be negative reactions to the disclosure. Sometimes things get worse before they get better.

3.0 Procedures (cont'd)

3.1.1.19 If an employee is in doubt about whether there are “reasonable grounds” to report abuse, he/she may contact an intake worker at the Children’s Aid Society. This can be done anonymously. The C.A.S. will help determine whether the suspicions constitute reasonable grounds for reporting. **If the C.A.S. worker determines that the grounds are reasonable, employee must provide all identifying information by following the guidelines in Appendix 2 to fulfil legal and professional obligation.**

3.1.1.20 If the C.A.S. worker determines that there are insufficient grounds to report the abuse, the employee should document this fact and continue to document any observations regarding the student. The employee should advise the Principal of the outcome of the call to C.A.S. Further school level support may be required (e.g., Social Work). **Remember in all cases of reporting, the C.A.S. policy is not to disclose the identity of the referral source.**

3.1.2 The Role of the Principal

3.1.2.1 At the beginning of the school year, the principal must ensure that all staff have reviewed this Administrative Procedure for Student Protection.

3.1.2.2 The Principal will support an employee who on reasonable grounds reports incidents of child abuse or that a student is or may be in need of protection.

3.1.2.3 The Principal shall provide coverage for the employee reporting so that there is sufficient time to complete the requirements of reporting.

3.1.2.4 Students 18 years of age or older are covered under the Criminal Code of Canada and should be encouraged to contact the police. However, if the student does not agree to contact police and there are other minors who might be at risk (e.g., siblings), the principal, and/or the person with this knowledge, **shall notify the Police and the Children’s Aid Society.**

3.1.2.5 The Principal shall notify the Director of Education within twenty-four hours of a staff member reporting a case of suspected child abuse to C.A.S. using the Student Protection Reporting Form found in Appendix 3 (refer to Form 6002). Legal and professional responsibilities make it necessary to complete accurate records of all suspected cases of child abuse. Records should be as factual and complete as possible. A court may request that any records be produced in a legal proceeding.

3.1.2.6 If as a result of a School Team Meeting, there is reasonable grounds to suspect that the child is in need of protection, the administrator present must make the report and notify the principal.

3.0 Procedures (cont'd)

- 3.1.2.7 The Principal will request the C.A.S. worker/Police Officer to produce formal identification upon entering school property for an investigation.
- 3.1.2.8 The Principal, in discussion with C.A.S./Police Officer, must, after the report has been made, notify the Family of Schools Superintendent and consult with appropriate staff, e.g., the school Social Worker, Child and Youth Counsellor, or Co-ordinator of Special Education.
- 3.1.2.9 If an employee or former employee of the Board is the alleged perpetrator, refer to Section 3 of this procedure.
- 3.1.2.10 If the alleged perpetrator is a volunteer or a service provider under contract with the Board refer to Section 3 of this procedure.

3.1.3 School Response to a C.A.S. Investigation

3.1.3.1 Supporting the Child Through the Process

- 3.1.3.1.1 When the C.A.S. worker or Police Officer arrives at a school for an investigation, the principal, teacher or other significant adult (e.g., support staff) may ask permission of the C.A.S. worker to be present during the interview between the C.A.S. worker and the child, in order to support the child solely through his/her presence. This is done only if the child requests it.
This is a legal investigation; therefore, staff must not impede the legal investigation.

3.1.3.2 Support for Staff Member

- 3.1.3.2.1 Many feelings may accompany the suspicion that a child is being or has been harmed. It is important to acknowledge these feelings, to try to remain calm and get support from the school administrators, or the Employee Family Assistance Program (EFAP).

3.1.3.3 Investigation on School Premises

- 3.1.3.3.1 As part of the investigation, the C.A.S. and/or Police may ask to interview the child on school premises. The Principal shall request and document the C.A.S. worker's/Police Officer's formal identification when entering school property. The Police, in consultation with C.A.S., will advise the Principal whether the parent(s) should be notified. In the absence of the parent or guardian of a student, the principal may be present during the interview unless requested

otherwise by Police or C.A.S. (refer to Police/School Board Protocol Section 12 – Police Interviews of Students and Section 13 – Reporting of Children Suspected to be in Need of Protection). If the principal has concerns regarding the absence of the parent at the interview, the principal should contact the Superintendent of Education – Family of Schools.

3.1.4 Possible Outcomes of a C.A.S. Investigation

3.1.4.1 Apprehension of a Student from School by C.A.S.

3.1.4.1.1 The C.A.S. has the legal authority to apprehend (temporarily assume custody) and remove a child with or without a warrant, and also without the parents'/guardians' knowledge. **(Forewarning a parent/guardian of a pending or on-going abuse investigation could jeopardize a child's safety.)**

3.1.4.1.2 The principal/staff member should consult with the C.A.S. worker/Police, prior to the investigation, about the following:

3.1.4.1.2.1 When/where will the student be interviewed?

3.1.4.1.2.2 If/when and how the parents/guardians will be notified?

3.1.4.1.2.3 Should the student go home at lunch or after school if the interview has not yet taken place?

3.1.4.1.2.4 What information can be shared with the student (and parents/guardians) if the interview is delayed?

3.1.4.1.2.5 The principal/designate should also inform C.A.S. about times of school dismissal, the student's expected time of arrival home, and other children in the family. The identifying information, e.g., names/addresses of parents/guardians, siblings, date of birth of student, etc., should also be made available.

3.1.4.1.2.6 After speaking with the C.A.S. or Police:

3.1.4.1.2.6.1 Have someone that the child trusts stay with the child until the C.A.S./Police arrive.

3.0 Procedures (cont'd)

3.1.4.1.2.6.2 Child enters foster care under a temporary care agreement, with the parents' consent. This is to give the family time to recuperate from extenuating stresses (e.g., unemployment, lack of suitable daycare, mental health problems).

3.1.4.1.2.6.3 Child enters foster care and becomes a society ward through a family court order. The child could remain in foster care for a considerable period of time.

3.1.4.1.2.6.4 Child enters foster care and eventually becomes a crown ward which severs the parents' custody and awards permanent custody to the C.A.S. The child can now be legally adopted.

3.1.4.2 Placement: In-Home

3.1.4.2.1 Child remains in the home without any further C.A.S. involvement.

3.1.4.2.2 Child remains in the home with C.A.S. involvement (e.g., voluntary support and counselling).

3.1.4.2.3 Child remains in the home with a court supervision order specifying conditions and requirements.

3.1.5 Follow-Up to a CAS Investigation

3.1.5.1 The principal/designate shall initiate contact with the C.A.S. worker after the investigation and/or apprehension to determine:

- 3.1.5.1.1 C.A.S.'s ability to communicate information at this time
- 3.1.5.1.2 the safety of the student
- 3.1.5.1.3 foster care arrangements
- 3.1.5.1.4 access issues
- 3.1.5.1.5 legal status of the investigation
- 3.1.5.1.6 future/ongoing involvement of C.A.S.

3.0 **Procedures (cont'd)**

3.1.5.2 Upon a student's return to school after an investigation, a teacher or principal may wish to speak with the student as soon as possible in order to ascertain the emotional state, ability to handle schoolwork and how to cope with any inquiries from peers. The student may be fearful about confidentiality, the perpetrator's whereabouts, the family reaction, etc., and have need of reassurance that the student is safe. This "checking in" with the student should be continued periodically until the student appears comfortable and able to cope. A teacher and other resource staff (social worker, child and youth counsellor) can be a great source of support during this time. Any further concerns about the child's safety should be referred to the C.A.S.

3.1.5.3 There is an ongoing duty to report based on reasonable grounds to suspect that a child is in need of protection, even if previous reports with respect to the child have been made. (CFSA s.72(2))

3.2 **Students 18 Years and Older**

3.2.1 The Role of An Employee

3.2.1.1 Encourage the student to speak with a guidance counselor, principal/vice principal.

3.2.1.2 Encourage the student to make direct contact with the police with the help of a staff member if requested.

3.2.1.3 A person who has reasonable grounds to believe that a student who is 18 years of age or older has been sexually or emotionally or physically abused shall immediately advise the Principal: in these circumstances, where possible a consultation will be held with the student and, if appropriate, the Superintendent and, if the student does not agree to contact the Police, a decision will be made as to whether compelling circumstances affecting health or safety of the student, siblings or any other individual require that information to be disclosed to the Police or other agency. (Reference: Code of Conduct Policy, Student Discipline Policy, Student Protection Policy and related Administrative Procedures and Police/School Board Protocol.)

3.2.2 Role of the Principal

3.2.2.1 Support the disclosure of information from the student to his/her parents/ guardians providing they are not the alleged perpetrator, if the student agrees.

3.2.2.2 If disclosure of information indicates that the alleged perpetrator is the parent/ guardian, the principal must inquire to if younger siblings are involved. Follow the protocol procedures as outlined in the Student Protection Reporting Form found in Appendix 3 (refer to Form 6002).

3.0 **Procedures (cont'd)**

- 3.2.2.3 Students, who are 18 years of age or older can also be encouraged to speak with their Community Police Liaison Officer and, if the student does not agree to contact the Police, a decision should be made as to whether compelling circumstances affecting health or safety of the student or any other individual require that information to be disclosed to the Police or any other agency.
- 3.2.2.4 If the alleged perpetrator is a staff member, the procedures for allegations against an employee will take effect (refer to Allegations of Abuse against a School Board Employee, Former Employee or Volunteer found in section 3.3).
- 3.2.2.5 If the investigation by the police is delayed, steps should be taken to ensure the safety of the student.

3.3 **Allegations of Abuse against a School Board Employee, Former Employee, Volunteer or Service Provider under Contract with the Board**

3.3.1 The Role of An Employee

- 3.3.1.1 All employees are required to report the allegation to their respective manager/supervisor/principal.
- 3.3.1.2 When an Ontario College of Teachers member makes a report of suspected sexual abuse of a student by another Ontario College of Teachers member, the member is not required to provide him or her with a copy of the adverse report or with any information about the report (*Student Protection Act, 2002, 7(2),(3)*).

3.3.2 Sexual abuse of a student by an employee

- 3.3.2.1 sexual intercourse or other forms of physical sexual relations between the employee and the student;
- 3.3.2.2 touching, of a sexual nature, of the student by an employee, or
- 3.3.2.3 behaviour or remarks of a sexual nature by an employee towards the student including, but not limited to, inappropriate correspondence by email, internet, regular mail or telephone.

3.0 **Procedures (cont'd)**

3.3.4 **Responsibilities of Principals/Supervisors**

- 3.3.4.1 After contacting the Superintendent of Family of Schools to obtain direction, the Principal/Supervisor must:
- 3.3.4.1.1 consider and take actions to ensure the safety and well-being of the student/victim. This includes not leaving the student alone, ensuring that he or she does not interact with the alleged perpetrator, and that the student can safely return home.
 - 3.3.4.1.2 report the alleged abuse immediately to Children's Aid Society, if the student is under 18 years of age, the Police and the Director of Education.
 - 3.3.4.1.3 use the Guideline for Providing Information to C.A.S. found in Appendix 2 and complete the Student Protection Reporting Form in Appendix 3 (refer to Form 6002) and forward to the Director of Education.
 - 3.3.4.1.4 **not investigate** the allegation with the alleged perpetrator until directed by the Superintendent, so as not to compromise the integrity of the subsequent Police, Board and/or C.A.S. investigation.
 - 3.3.4.1.5 **not inform the staff member** against whom an allegation has been made until directed by the Superintendent. An investigation by the C.A.S., Police and Board will follow. At the direction of the Superintendent, inform the employee **only that an allegation of abuse has been made** and that he/she is not to report for duty until further notice. The employee may be reassigned to duties outside of the school and not involving students.
 - 3.3.4.1.6 advise the employee that the employee is required to attend a meeting under the requirements of the Student Protection Policy and that the employee is entitled to union representation at the meeting should the employee wish to arrange for such representation. This meeting should move forward as quickly as possible.
- 3.3.4.2 report to the Director of Education when an employee has:
- 3.3.4.2.1 been charged with or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors;
 - 3.3.4.2.2 been charged with or convicted of an offence under the Criminal Code (Canada);

3.0 Procedures (cont'd)

- 3.3.4.2.3 engaged in conduct or taken action that, in the opinion of the principal/ supervisor, may be deemed inappropriate and contrary to the expectations of employment; or
- 3.3.4.2.4 engaged in conduct or action that, in the opinion of the principal/supervisor, should be reported to the College of Teachers or other applicable regulatory colleges.
- 3.3.4.3 If charges are laid against an employee, the Principal must:
 - 3.3.4.3.1 in consultation with the Superintendent, prepare a statement to be read to staff and students regarding the reasons the staff member is no longer at the school. The statement will present only the publicly known facts and it will respect the confidentiality of the person or persons who have made the allegations;
 - 3.3.4.3.2 where appropriate, arrange for Student Services staff to provide counselling for students and ensure, specifically, the ongoing support for student victims;
 - 3.3.4.3.3 under the direction of the Superintendent, notify the community that a staff member has been charged. Remember that confidentiality is important and only publicly known facts should be discussed;
 - 3.3.4.3.4 document all conversations and actions taken and forward this documentation to the Director of Education;
 - 3.3.4.3.5 remember that all written records may be subject to subpoena or disclosure in court; and
 - 3.3.4.3.6 in order to assist the staff with the situation, inform them of the services provided by the Employee Assistance Program.
- 3.3.5 Responsibilities of the Board
 - 3.3.5.1 The Board, through the Director/designate, has the responsibility to:
 - 3.3.5.2 ensure that an investigation of the allegation and of the employee involved has occurred;
 - 3.3.5.3 ensure that every effort is made to provide the student/victim with support and protection;
 - 3.3.5.4 respect the confidentiality and privacy interests of all affected parties;

3.0 Procedures (cont'd)

- 3.3.5.5 exchange information and co-operate with C.A.S./Police investigation to ensure that there are no other victims;
- 3.3.5.6 conduct an internal investigation, pending an ongoing C.A.S./Police investigation, review the circumstances surrounding the allegations, pending a determination respecting the allegations against the employee to determine whether, during the interim, it is appropriate to permit the employee to continue to work, either in the original workplace or elsewhere provided that other work is available. Alternatively, the employee may be assigned to home duties with pay or temporarily released from duties without pay;
- 3.3.5.7 revisit, from time to time, the interim placement of the employee to determine if circumstances would support a different interim placement;
- 3.3.5.8 provide to the employee, through the Superintendent of Education, Human Resources, official written notification of its decision regarding the interim employment status of the employee;
- 3.3.5.9 review the status of the employee upon completion of the following investigation of the C.A.S./Police, the Board, and the College of Teachers or acquittal, conviction, or where no criminal investigation has been undertaken;
- 3.3.5.10 report in writing when the employee is a teacher or temporary teacher to the Ontario College of Teachers:
 - 3.3.5.10.1 has been charged or convicted of an offence under the Criminal Code (Canada) involving sexual conduct and minors;
 - 3.3.5.10.2 has been charged with or convicted of an offence under the Criminal Code (Canada) that in the opinion of the employer indicated that the students may be at risk of harm or injury; or
 - 3.3.5.10.3 has engaged in conduct or taken action that, in the opinion of the employer, should be reviewed by a committee of the College (Bill 101, Student Protection Act (2002) 43.3).
 - 3.3.5.10.4 Report in writing to other professional colleges governed by the Regulated Health Professions Act, 1991, and the Social Work and Social Service Work Act, 1998.

3.0 Procedures (cont'd)

3.3.5.11 dismiss the employee if:

3.3.5.11.1 the employee is convicted of any offence which is deemed inconsistent with his/her employment obligation;

3.3.5.11.2 it is determined by an internal investigation of the Board that the circumstances justify the dismissal of the employee.

3.3.5.12 inform Board employees, volunteers, and service providers under contract with the Board that they are prohibited from entering into a date relationship with a student during the course of the professional relationship or for a period of two years following secondary school graduation.

4.0 Sources

- Child Youth and Family Services Act, (2017)
- Ministry of Community and Social Services, Reporting Child Abuse and Neglect, (2010)
- Ontario Ministry of the Attorney General, Protecting Our Students (Robins Report), (2000)
- Bill 101, Student Protection Act, (2002)
- Standards of Practice for the Teaching Profession (Ontario College of Teachers), (2014)
- Criminal Code of Canada
- Police/School Board Protocol, 2016
- Ontario College of Teachers – Provincial Advisory – Professional Misconduct Related to Sexual Abuse and Sexual Misconduct, (September 27, 2002)
- Teaching Profession Act, 2006
- Regulated Health Professions Act, (1991) Amended 2013
- Social Work and Social Services Work Act, (1998) Amended 2010
- Accepting School Act, (2012)
- Provincial Code of Conduct, (2012)
- Inquest Touching the Death of Jeffrey Baldwin (2014)

5.0 References

- Student Protection Policy (PO607)
- Student Protection Administrative Procedure (AP607-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)
- Workplace Violence Policy (PO324)
- Workplace Violence Prevention Administrative Procedure (AP324-1)
- Sexual Harassment Policy (PO307)

6.0 Related Forms/Appendices

- Student Protection Reporting Form (6002)
- Appendix 1 – Resource Document on Student Protection
- Appendix 2 – A Guideline for Providing Information to C.A.S.
- Appendix 3 – Student Protection Reporting Form

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Appendix 1

Resource Document on Student Protection

What is Reportable Child Abuse?

In situations where reasonable grounds exist to suspect child abuse, we must ensure that we report all **suspicion of abuse** with any available **supporting information**.

“**Suspicion of abuse**” includes all explicit, factual information.

“**Supporting information**” may be behavioural or incidental in nature and might also indicate abuse.

School Principals, Student Services personnel (e.g., Social Workers, Child and Youth Counsellors) and the Children’s Aid Society (C.A.S.), are available for consultation if you are faced with an ambiguous situation.

The Child and Family Services Act (2001) (C.F.S.A.) specifies that a child “is in need of protection” (i.e., has suffered child abuse) which is referred to as “child abuse” in both this Administrative Procedure and the Student Protection Policy.

1. The child has suffered **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. 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:
 - 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.
3. 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.
4. There is a **risk** that the child is likely to be **sexually molested** or **sexually exploited** as described in paragraph 3.
5. The child requires **medical 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**, or **refuses** or is **unavailable** or **unable to consent to**, the treatment.

What is Reportable Child Abuse? (Cont'd)

6. 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.

7. The child has suffered **emotional harm** of the kind described above in section 6 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.**

8. There is a **risk** that the child is likely to suffer **emotional harm** or the kind described above in section 6 **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.**

9. There is a **risk** that the child is likely to suffer **emotional harm** of the kind described above in section 6 and that 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 prevent the harm.**

10. 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, treatment to remedy or alleviate the condition.**

11. The child has been **abandoned**, the child's parent has dies or is unavailable to exercise his or her 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.**

12. 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.

13. 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 the person having charge of the child or because of that person's failure or inability to supervise the child adequately. (CFSA s.72.1)

Indicators of Possible Child Abuse

The following indicators, while not exhaustive, may provide “reasonable grounds” to suspect that a child is being abused. The presence of these and other physical indicators should be treated very seriously.

Physical Abuse: Possible Indicators

1. Student reports being injured.
2. Unexplained bruises and welts, especially those:
 - on face, back, buttocks or thighs;
 - in various stages of healing;
 - in the shape of an instrument, such as a belt, hair brush, etc.;
 - in the shape of a hand, fingers
3. Unexplained fractures, especially:
 - to skull or face;
 - in various stages of healing;
 - multiple fractures;
 - repeated injury
4. Unexplained burns:
 - burns that appear to be cigarette burns (to hands, feet, back or buttocks);
 - immersion burns or scalds (sock-like or glove-like shape);
 - burns patterned like an electric burner, iron, etc.;
 - rope burns (arms, legs, torso)
5. Unlikely or inconsistent explanations for bruises, burns, etc.; denial that these injuries exist.
6. Unexplained, prolonged absence (parent/guardian may keep child at home while injuries heal).
7. Has received no apparent medical attention for an injury.
8. Child witnesses domestic violence.

Neglect: Possible Indicators

1. Poor personal hygiene
2. Foraging for food
3. Lack of lunch
4. Unkempt appearance
5. Often hungry
6. Often home alone
7. Inappropriately dressed for winter

Indicators of Possible Child Abuse (Cont'd)**Emotional Abuse: Possible Indicators**

1. Child appears sad and/or anxious much of the time
2. Child cries easily
3. Child appears to have a sense of low self-worth
4. Child makes self-deprecating comments
5. Child plays by self, has few friends
6. Child witnesses family violence

Note: Neglect and Emotional Abuse are probably the most difficult areas to determine. The above indicators may be the result of a number of conditions or situations. A pattern of a combination of these indicators over a period of time should be observed in order to provide “reasonable grounds” to suspect that a child is being emotionally abused or neglected.

Sexual Abuse: Possible Indicators

1. Student reports being sexually abused.
2. Indication of age-inappropriate sexual knowledge and behaviour (may be reflected in drawings, verbal statements, play with peers or toys).
3. Difficulty in sitting or walking; genital area discomfort.
4. Exposure to pornography.
5. Questions about pregnancy, STDs, etc.
6. Unwillingness to change, participate in gym.
7. Excessive fear or avoidance of men.

Child Sexual Behaviour – Normal Experimentation vs. Potential Sexual Abuse

According to the Children’s Aid Society (Minimal Practice Standard on Child Sexual Behaviour), when intervening they must determine whether the sexual behavior is the result of normal childhood curiosity and experimentation or potential sexual abuse.

Children may display sexual behaviours or engage in sexual activity with other children beyond their developmental stage and knowledge. Potential sexual abuse and normal childhood experimentation can be differentiated in the following ways:

Childhood Experimentation

- Sexual behaviour does not preoccupy the children.
- Children feel free to “take it or leave it”; no force, bribery, or trickery is involved.
- The age or power differential between the children is minimal.
- Sexual behaviour tends to involve undressing and observation.

Child Sexual Behaviour – Normal Experimentation vs. Potential Sexual Abuse (Cont'd)

Potential Sexual Abuse

- Force and/or bribery and/or threats are involved.
- Moderate to significant difference of age, power or maturity between the children is present.
- Sexual activity between children is more adult-like in nature, such as attempted or simulated intercourse or oral sex; such children may have been prematurely exposed to sexual knowledge through pornography, purposeful demonstration or accidental observations, or have been victims of sexual abuse.

If the victim and/or the alleged perpetrator involved in the sexual behavior exhibits indicators that would lead you to suspect that they themselves may have been sexually abused, the Children Aid's Society must be contacted.

Appendix 2

A Guideline for Providing Information to C.A.S.

(Some of the information about the student will be found in the O.S.R. and/or emergency form)

Name of Student:		Date of Birth:
Address:		
Child Lives with: <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Both		
Mother's Name		
Address (if different from child's):		Phone #
Father's Name		
Address (if different from above):		Phone #
Siblings: (Please indicate if siblings are known as C.A.S. will need to investigate other children in the family)		
Name:	School:	Age:
Name:	School:	Age:
Name:	School:	Age:

Please provide as much of the following factual information as possible and record the information in writing:

- specify why a report is being made at this time;
- state your relationship to the child and family;
- indicate what you heard from the child and what you observed, i.e., where and when the allegation took place and who the alleged abuser is (if stated). **If the alleged abuser is a member of the child's family, this is very important information for C.A.S. to follow-up with respect to the child's safety;**
- offer any facts, such as relevant dates, descriptions of the child, information about the family;
- provide any other relevant background information, if known, e.g., knowledge of other agency or community involvement of the child and/or family;
- if appropriate, obtain a written account of the incident from the student.

A report with relevant information will assist C.A.S. in determining whether to investigate and will provide better protection for a child at risk.

Appendix 3 (refer to Form 6002)

Durham Catholic District School Board Student Protection Reporting Form

(To be completed by Principal/Designate and forwarded to the Director of Education and Superintendent of Family of Schools within 24 hours)

Date:	Time:	
Name of Student:	DOB: (Year/Month/Date)	
Address:	Phone #:	
School:	Grade:	
Any other children at home:		
Name:	Age:	
Name:	Age:	
Name:	Age:	
Disclosure		
Suspected abuse reported by:		
Position:		
Nature of Disclosure: <input type="checkbox"/> Sexual <input type="checkbox"/> Emotional <input type="checkbox"/> Physical <input type="checkbox"/> Failure to seek medical treatment		
Suspected Abuser: _____ Is the individual a Board employee? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Description (facts surrounding the disclosure)		
Action Taken		
Date: Time:	Name of CAS Worker Contacted:	Action Taken/Consultation with: Date:
Principal Signature		Date: