

BOARD ADMINISTRATIVE PROCEDURE	
ADMINISTRATIVE PROCEDURE Reporting Children in Need of Protection	ADMINISTRATIVE PROCEDURE NUMBER 513
Directional Policy Employee Relations - 500	

TITLE OF ADMINISTRATIVE PROCEDURE:

Reporting Children in Need of Protection

DATE APPROVED: 2019

PROJECTED REVIEW DATE: 2024

DIRECTIONAL POLICY ALIGNMENT:

This Administrative Procedure aligns with the Employee Relations Directional Policy. The purpose of the Employee Relations Directional Policy is to create a shared understanding of the expectations the Board has with respect to employees' conduct in their professional and personal lives as it relates to public trust and confidence, and this administrative procedure reflects the policy by outlining employees' legislated duty to report children in need of protection.

ALIGNMENT WITH MULTI-YEAR STRATEGIC PLAN:

The Reporting Children in Need of Protection Administrative Procedure supports our Vision of achieving Excellence in Catholic Education by ensuring our structures, processes, relationships, and actions reflect our Gospel values and Catholic Social Teachings. The Board is committed to the safety and well-being of our students, and will ensure that Board employees are aware of their professional obligation to report students who may be in need of protection.



Strategic Priorities 2017-2020

Vision

Achieving Excellence in Catholic Education
LEARN • LEAD • SERVE

Mission

To educate students in faith-filled, safe, inclusive Catholic learning communities by nurturing the mind, body and spirit of all.

LEARN

Achieve excellence in instruction and assessment to enable all students to become reflective, self-directed, lifelong learners.

LEAD

Foster critical thinking, creativity, collaboration, and communication, to enable all students to realize their God-given potential.

SERVE

Inspire engagement and commitment to stewardship for creation to enable all students to become caring and responsible citizens.

ACTION REQUIRED:

All children have the right to a safe, nurturing environment in which to grow to their full potential, free from violence, abuse and neglect. It is a shared responsibility to ensure that these conditions are fulfilled. (Joint Protocol, p.2)

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

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

1. The child has suffered 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 abused or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child;
4. There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3;
5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child does not provide the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, the treatment on the child’s behalf;

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 in subparagraph 6 a, b, c, d or e and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment; or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm;
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 a, b, c, d or e resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child;
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 a, b, c, d or e and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to prevent the harm;
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 the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition;
11. The child's parent has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody;
12. The child is younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment;

13. The child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

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

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

There exists a Joint Children's Aid Society and School Board Protocol, whose purpose is to assist in ensuring the safety and protection of students and to provide a coordinated, consistent response in the undertaking of child protection, abuse/neglect investigations within the jurisdiction of the Peterborough Victoria Northumberland and Clarington Catholic District School Board.

In accordance with the Child, Youth and Family Services Act, and the Joint Children's Aid Society and School Board Protocol, the Board has the following expectations of its employees:

1. Board employees shall recognize their duty to promptly report a child in need of protection, in accordance with the Child, Youth and Family Services Act, the Joint Children's Aid Society and School Board Protocol, and this Administrative Procedure. There is a higher standard of reporting for those who work with children.
2. Employees' duty to report is ongoing; they shall be obliged to report suspicion or knowledge of the need for protection, even when previous reports have been made.
3. Employees having a suspicion or knowledge of the need for protection shall report directly to the Children's Aid Society. It is not appropriate to rely on someone else (e.g. the school principal) to make the report on the employee's behalf.
4. Employees who make a report to the Children's Aid Society will inform the student's school administration, who will record it in the student database notes.
5. Under the Child, Youth and Family Services Act, if the child is 16 or 17 years old, there is no duty to make a report; however, under this Administrative Procedure,

if a child who is 16 or 17 years old is deemed to be in need of protection, then employees will report to the Children's Aid Society and will inform the school administration.

6. Under this Administrative Procedure, when there is suspicion or knowledge of a need of protection for students from other students, employees will inform the school administration, who will consult with the Children's Aid Society.
7. The Child, Youth and Family Services Act, 2017, makes it an offence for every person performing professional or official duties with respect to children to fail to report a child who, they suspect, is or may be in need of protection. Subsection 125(6) expressly identifies teachers, designated early childhood educators, and principals as such persons, according to PPM 9. If such professionals obtain information, in the course of performing their professional or official duties, that leads them to suspect that a child is or may be in need of protection, they must report this suspicion. If they do not report the suspicion, they are liable, upon conviction of the offence, to a fine of up to \$5000.
8. Under the Child, Youth and Family Services Act, no action for making a report will be taken against employees who act in accordance with the duty to report, unless the person acts maliciously or without reasonable grounds for the suspicion.
9. Employees' duty to report shall override the provisions of any other provincial statute, specifically those provisions that would otherwise prohibit disclosure of confidential information by the professional or official.
10. School principals shall make all employees and volunteers at their schools aware of their obligations under the Child, Youth and Family Services Act, the Joint CAS and School Board Protocol and this Administrative Procedure.
11. If a report is made of a child in need of protection, which involves allegations made against Board employees, senior administration of the Board shall become involved according to procedures outlined in the Joint Children's Aid Society and School Board Protocol, Appendix A: PVNCCDSB Child Protection Protocol for Reporting Allegations Against Board Employees.
12. If an investigation by the Children's Aid Society determines that a teacher has harmed a student, the Superintendent of Human Resources, or designate, shall report to the Ontario College of Teachers any professional misconduct on the part of a teacher, regardless of the student's age. A similar report shall be made to the relevant regulatory college of other professional staff in the case of similar findings (e.g., psychologist, social worker, speech and language pathologist).

RESPONSIBILITIES:

The Board of Trustees is responsible for:

- Ensuring alignment of this Administrative Procedure with the Employee Relations Directional Policy;

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

The Director of Education is responsible for:

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

Superintendents are responsible for:

- Ensuring principals are consistent with the application of this Administrative Procedure;
- Ensuring that any employee for whom they have supervisory responsibility is aware of the requirements under this Administrative Procedure.

Principals, Vice-Principals, Managers and Supervisors are responsible for:

- Ensuring staff whom they supervise are aware of the requirements under this Administrative Procedure.

Staff are responsible for:

- Promptly reporting a child in need of protection to the Children's Aid Society;
- Understanding and complying with this Administrative Procedure.

PROGRESS INDICATORS:

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

DEFINITIONS

Child - Under the [Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1](#), a child is defined as a person younger than 18.

Reasonable - Reasonable refers to the information that an average person, exercising normal and honest judgment, would need in order to make a decision to report.

REFERENCES

[Child, Youth and Family Services Act, 2017, S.O. 2017, c. 14, Sched. 1](#)
[Ensuring Student Safety and Protection Together: A Joint Children's Aid Society and School Board Protocol](#)
[Ministry of Children and Youth Services Policy Directive: CW 003-18 Protection Services for 16-17 Year Olds](#)
[Reporting Child Abuse and Neglect - It's Your Duty, Ontario Ministry of Children and Youth Services](#)
[Education Amendment Act \(Progressive Discipline and School Safety\), 2007, S.O. 2007, c. 14 - Bill 212](#)

[The Provincial Code of Conduct and School Board Codes of Conduct, PPM 128](#)

[Ontario College of Teachers Act, 1996](#)

[Supporting Positive Student Behaviour: Safety for All – AP 912](#)

[Safe School Codes of Conduct – AP 909](#)

[PVNC Catholic District School Board Vision and Strategic Priorities](#)

[Dnaagdawenmag Binnoojiiyag Child & Family Services](#)

[PPM 9 Duty to Report Children in Need of Protection](#)

[Employee Relations Directional Policy - 500](#)