



The York Catholic District School Board

No.: 204	Section: Students
Approved: June, 1980	
Board Approved Revision Date: February 1993, November 2002	
Implementation: Director of Education	

POLICY:

CHILD PROTECTION AND ASSAULT

The York Catholic District School Board recognizes the sanctity and dignity of human life and the need of its trustees and employees to comply with Section 72 of the *Child and Family Services Act*, R.S.O., 1990, c. C11 and amendments to this Act proclaimed in March 2000. This Act has addressed itself in strong terms to society's obligations in the protection of children. The York Catholic District School Board supports fully the goals of legislation and to affect such support, the Board requires all of its personnel to fulfill their moral and legal obligations to assist the Children's Aid Society of York Region.

CROSS REFERENCE

- Ours to Protect – Procedures for Reporting Child Protection and Assault
- Child Protection and Assault Protocol of York Region – January 2001
- *Child and Family Services Act*, R.S.O. 1990, c. C11
- Ministry of Education Policy/Program Memorandum No. 9 (August 10, 2001)

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LEGISLATION

It is imperative that all Board employees familiarize themselves with the amendments made to the *Child and Family Services Act*. Principals must routinely provide inservice to staff to ensure familiarization of the legislation and reporting procedures. To sum up the legislation as it relates to Board personnel, the following may be stated:

Every Board employee who:

“Has reasonable grounds to suspect that a child is or may be in need of protection, shall forthwith report the suspicion and the information on which it is based to a Society. The person shall make the report directly to the Society and shall not rely on any other person to report on his or her behalf.”

1. See Appendix B, Legislation

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PROCEDURES FOR REPORTING CHILD PROTECTION AND ASSAULT

The Ministry of Community and Social Services has issued guidelines to assist agencies such as school boards to develop reporting procedures that are consistent with amendments to the *Child and Family Services Act*. Similarly, the Child Protection and Assault Protocol of York Region (2001) provide sections pertaining to school boards. The procedures that follow are based on such guidelines as adapted to our particular perception of the spirit of the legislation. The intent at all times is to facilitate the reporting procedure in the interest of the child, while at the same time making available to the employee appropriate support and back-up.

DEFINITIONS:

Child Protection describes situations where there is a risk that the child will suffer physical, sexual or emotional harm or neglect inflicted by a caregiver.

Child Assault means a state or condition of being physically harmed, sexually molested or exploited by a person not having charge of the child.

Designate means vice principal or school superintendent.

Team refers to those professionals from the CAS and/or police actively engaged in the investigation of the alleged child protection/assault issue.

MAKING THE REPORT

1. When an employee suspects that a type of child abuse may have occurred or where the child is in need of protection, the employee must **immediately** complete the “**Confirmation of Report**” (S13) and report the suspected child abuse **immediately** by reading the report over the telephone to the appropriate employee of the Children’s Aid Society. It is advisable to report in the presence of a witness, preferably the principal or designate. If the principal is not available prior to making the report to the Children’s Aid Society, then the employee must advise the principal of their suspicions as soon as possible after making the report.
2. The “**Confirmation of Report**” form shall **immediately** be mailed or faxed to the Children’s Aid Society. A copy in a sealed envelope marked “Private and Confidential” should be forwarded to the personal attention of the Director of Education. The employee, if desired, may retain a personal copy.
3. The principal shall notify the Superintendent of Schools that a suspicion of a child protection nature has been made to the Children’s Aid Society.
1. See Appendix A, “Confirmation of Report” (Form S13)

NOTES PERTAINING TO PROCEDURES FOR

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REPORTING CHILD PROTECTION AND ASSAULT

- A. The report to the CAS must be made directly by the employee who has the suspicions-not by any other person. The obligation by statute is on the employee. The penalty for failure to report is on the employee.
- B. The report to CAS must be made immediately in all cases. This allows for the investigation to begin prior to the child returning home thereby reducing the risk to the child and other children. In addition to providing the required information, the following questions should be asked:
 - How and when should the parents be contacted?
 - Will the child be interviewed?
 - Do the investigators plan to come to the school or home? When? Will they be investigating or only consulting?
 - May the child go home at lunch or after school if the interview has not yet taken place?
 - What information can be shared with the child and her/his parent(s) if the interview has not yet taken place?
- C. Proof is not required in order to report a concern to the CAS. The responsibility of investigation lies solely with the CAS. It may be that the investigation will show that the employee's suspicion was not well founded. This does not matter. The employee has full protection of the Act, which provides that no action for making the report shall be instituted against a person who makes a report unless the person acts maliciously or without reasonable grounds for the suspicion.
- D. In making a report, with or without the concurrence of the principal or any other personnel, the employee is not and shall not be criticized or be subject to any form of reprimand by the Board.
- E. When parents/guardian of the child involved are unaware of a referral to the CAS the principal or designate, in consultation with the CAS or police representative, will determine whether, when, how and by whom parent notification will proceed.
- F. The duty to report is an ongoing obligation. If an employee has made a previous report about a child and has further protection concerns regarding the same child, the employee must make a further report to the CAS each time they have new information.
- G. In cases where the employee is unsure as to what warrants a report of suspected abuse under the law and/or may be hesitant to assume responsibility of reporting, the employee may contact the CAS for consultation. This can be done without identifying the child or family involved and it is advisable to consult as early as possible. Staff should be mindful that in the event that the CAS classifies the information as a protection concern, the staff would require a formal report.
- H. In cases where the alleged perpetrator is a colleague in the workplace, this person shall not be interviewed or communicated with by others aside from the Team. Procedures required in these circumstances are outlined in Appendix E.
- I. Appendix A, "Confirmation of Report" Form.

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While the legislation does not call for a report to be written, nevertheless it serves these useful purposes:

- (a) An indication of the parameters within which the content of the report to the CAS should be kept;
- (b) It is evidence of making the report.
- (c) The report must:
 - Be factual (including dates and time) and contain no opinions;
 - be brief and to the point; and
 - contain questions asked of the student, information seen or heard by the teacher, principal or designate, other observers, and include verbatim anything the child has said with regards to the allegation.

Copies of the "Confirmation of Report" Form are available in the principal's office of each school.

- 3. See Appendix C, Types of Child Abuse, Neglect and Assault and Child Abuse Indicators

INVESTIGATION ON SCHOOL PREMISES

- 1. The school principal is responsible for determining access to any child. Legislation and school board policy generally prohibit access to the child in school unless parental consent is given. However, when a child protection concern is reported under Section 72 of the CFSA, the principal of the school has the right to grant permission to interview a child on school premises.
- 2. Situations exist where investigations may be conducted on school premises, for example:
 - a) where abuse or neglect is identified at school and reported immediately by school personnel to the CAS.
 - b) where abuse or neglect is identified outside the school setting and CAS and/or police determines that the school setting is the appropriate place to interview the child.
 - c) where the abuse or neglect concerns involve school personnel as alleged offenders, or where following the initial investigation, police or child protection worker(s) need access to the child at school as a continuation of this process.
 - d) where the Team determines that the school is the most appropriate place to interview the child
- 3. The police/child protection worker(s) will determine that it may be in the best interest of the child to conduct an interview without the prior knowledge of and in

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the absence of the parent(s) or guardian(s). In these cases the following steps should be taken:

- a) The police/child protections worker(s) will contact the school requesting an interview with the child and discuss the situation with the principal or the principal designate including information that:
 - i) the Team is currently investigating a reported case of alleged abuse or neglect and/or related offences with respect to a child
 - ii) the Team intends to interview the child without prior knowledge to the parent(s) or guardian(s), and in their opinion it would best serve the interest of the child that such interview take place within the school setting
 - iii) if the child will be detained beyond the usual arrival time to his/her home, the Team will undertake to inform the parent(s) or guardian(s) as soon as possible; in the event that the parent calls the school inquiring about the whereabouts of his/her child, the principal or his/her designate will refer the person to the attending CAS and/or police officer for further information
- b) Request that the school provide an appropriate location where the interview can be conducted.
- c) Advise school personnel against conducting any investigations pertaining to any suspicions or any disclosures arising out of the complaint.
- d) The principal and the Team, acting in the best interest of the child, will determine whether to have a support person for the child present during the interview.



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Catholic Education Centre, 320 Bloomington Road West, Aurora, Ontario L4G 3G8

Telephone (905) 713-2711, 476-2055, 830-6803, (416) 221-5050, 1 (800) 363-2711,

Fax (905) 713-1272

CONFIDENTIAL

APPENDIX A

Confirmation of Report Form - Child Protection and Assault

Pursuant to Section 72, the *Child and Family Services Act*, R.S.O. 1990, c. C11

TO: York Region Children's Aid Society

85 Eagle Street West, (Box 358), Newmarket, Ontario, L3Y 4X7

Fax: (905) 895-8379 Phone No.: Newmarket (905) 895-2318 Toll-Free: 1 (800) 718-3850

The undersigned confirms that on the ____ day of _____, 20__, at approximately ____ o'clock__ a.m. __p.m. pursuant to the provisions of Section 72 of the *Child and Family Services Act*, R.S.O. 1990, c. C11, I made a telephone report to a person at your office who identified herself/himself as: _____

The report concerned the following child:

NAME _____ D.O.B. _____ GENDER M F
First Middle Surname

SIBLINGS(specify name and D.O.B.) _____

SCHOOL NAME _____ SCHOOL PHONE NO. _____ GRADE _____

SCHOOL ADDRESS _____

PARENTS/GUARDIANS By School Records

MOTHER'S NAME _____

ADDRESS _____

PHONE # RES _____ BUS _____ EMERGENCY _____

FATHER'S NAME _____

ADDRESS _____

PHONE # RES _____ BUS _____ EMERGENCY _____

My report was based on the following area of need for protection of the child:

Physical Sexual Abuse Emotional Abuse Neglect Domestic Violence Other

Such information or suspicion is based on the following: (Set forth briefly the facts of the situation below and if more space is provided use the back of the form. In case of physical abuse, describe in detail the injury you have observed.)

This form should be mailed or faxed IMMEDIATELY to the Children's Aid Society and a copy also forwarded to the personal attention of the Director of Education. The Director's Office will provide verbal confirmation that the copy of the report has been received.

DATED this ____ day of _____, 20__.

Name _____ Signature _____

CHILD AND FAMILY SERVICES ACT, CFSA, s-72 (1)
DUTY TO REPORT CHILD IN NEED OF PROTECTION

Referral to the CAS may be based on many different types of situations. The CFSA can be summarized for educators as follows:

1. Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall **forthwith** report the suspicion and the information on which it is based to a society:
 - a) The child has suffered physical harm or there is a risk that the child is likely to suffer physical harm caused by the failure to adequately care for, provide for, supervise or protect the child, or a pattern of neglect in caring for, providing for, supervising or protecting the child.
 - b) The child has been sexually molested or sexually exploited, or there is a risk that the child is likely to be 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.
 - c) 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.
 - d) The child has suffered emotional harm, demonstrated by serious,
 - i) anxiety
 - ii) depression
 - iii) withdrawal
 - iv) self-destructive or aggressive behaviour, or
 - v) 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 person having charge of the child.
 - e) The child has suffered emotional harm and 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.
 - f) There is a risk that the child is likely to suffer emotional harm 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.

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- g) There is a risk that the child is likely to suffer emotional harm 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.
 - h) The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development.
 - i) The child has been abandoned, the child's parent has died 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.
 - j) 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.
 - k) 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.
2. A person who has additional reasonable grounds to suspect that a child may be in need of protection shall make a further report even if a previous report with respect to the same child has been made.
 3. A person who has a duty to report that a child may be in need of protection shall make the report directly to the society and shall not rely on any other person to report on his or her behalf.
 4. Third party disclosure must be reported without interviewing the victim.
 5. The duty to report applies to every person who performs professional or official duties with respect to children including a teacher, school principal, social worker, family counselor, operator or employee of a day nursery and youth and recreation worker, a service provider and an employee of a service provider.
 6. A person referred to in paragraph 5 is guilty of an offence if a suspicion is not reported and the information on which it was based was obtained in the course of his or her professional or official duties. A person convicted of an offence is liable to a fine of not more than \$1,000 or possibly imprisonment for a term of not more than one year, or to both.

TYPES OF CHILD ABUSE, NEGLECT AND ASSAULT

(a) Physical Abuse

Physical abuse includes any non-accidental form of injury or harm inflicted upon a child by a family member or a person having charge of the child, that could be in violation of the *Criminal Code of Canada* (CC), or could render the child in need of protection under the *Child and Family Services Act* (CFSA).

It may include, but not be exclusive to:

- Beating
- Burning
- Slapping
- Kicking
- Throwing or shaking a child and
- The use of a closed fist or instrument

Punishment that injures the child that is outside the limits of reasonable corrective discipline may be physical abuse.

(b) Sexual Abuse

Sexual abuse involves a family member or a person having charge of the child. It includes any exhibitionism, sexual intercourse, molestation or sexual exploitation involving a child, which could be a violation of the CC, or render the child in need of protection under the CFSA.

It may include:

- invitation to sexual touching
- touching for a sexual purpose
- penetration or intrusion (vagina, anus or mouth)
 - penile
 - object or instrument
 - digital
- oral contact (vagina, anal, oral); fellatio and/or cunnilingus
- masturbation – mutual, offender manipulating and/or child manipulating
- ritual abuse
- exposure to pornography, participation in producing pornography
- procuring a child for purposes of prostitution

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(c) Emotional Harm

According to the amended CFSA, a child is in need of protection where, the child has suffered emotional harm demonstrated by serious:

- anxiety
- depression
- withdrawal or
- self-destructive or aggressive behaviour or delayed 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, services or treatment to remedy or alleviate the harm. As well, the Act adds a provision that focuses solely on situations where the behaviour of the parent(s) or person having charge of the child caused the emotional harm to the child.

(d) Neglect

Neglect includes:

- poor general care (i.e. nutrition, housing, clothing, hygiene)
- lack of supervision/inadequate childcare
- abandonment
- inadequate parenting
- failure to protect
- lack of medical or dental care
- substance abuse
- mental health
- confinement

Although the issues of neglect contain many of the characteristics found within child abuse, in many instances it is a pervasive problem that has developed over time. Neglect is often the result of the refusal or inability of the parent or caretaker to meet the child's specific needs. Neglect issues are covered specifically by Section 37.2 (6) of the CFSA.

(e) Violence in the Home

This involves any actual or threatened verbal or physical assault to an individual within the family system. For example, while the child may not be a direct victim of physical abuse, witnessing other family members being abused may be detrimental to the child's well being. It is recognized that children exposed to family violence are at risk of behavioural and emotional difficulties. The impact of this on a child is not always evident, but is in fact potentially harmful to a child, both physically and emotionally.

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CHILD ABUSE INDICATORS**

Those signs, symptoms or clues when found on their own or in various combinations that may point to child abuse, are called indicators. The following indicators are presented as guidelines only to assist school personnel in early recognition and helpful documentation of child abuse. These indicators are not exhaustive and do not prove that a child has been abused. They are intended to serve only as early warning signals. A child may present any number of the indicators or a given child may not exhibit any of the indicators. All observed indicators should be fully documented. This process helps to put the information in perspective, assists school personnel in reporting to a children's aid society, and provides a record in the investigation and court processes.

CHILD SEXUAL ABUSE INDICATORS

There are few obvious physical indicators with child sexual abuse. Behaviour indicators are much more common.

Physical Indicators

- Sexually transmitted disease
- Pregnancy
- Semen around mouth or genitalia or on clothing
- Torn, stained or bloody underclothing
- Bruises for bleeding of external genitalia, vagina anal regions or breasts
- Unusual or excess itching or pain in throat, genital or anal area
- Pain on urination, elimination, sitting down, walking or swallowing
- Lack of attention to basic hygiene
- Vaginal or penile infections or odor

Behavioural Indicators-Sexual

- Reports sexual approach by adult
- Displays unusual interest in sexual matters; indicates sexual knowledge with dolls draws sexually explicit pictures and /or uses adult sexual terminology
- Resists undressing or being dressed
- Masturbates excessively and/or in public
- Mimics adult seductive behaviour, including dress
- Touching genitals of others
- Sexual behaviour with animals, and/or toys or objects
- Acting out sexually or become involved in prostitution
- Reports flashbacks

Behavioural Indicators-General

- Withdrawn, worried regressive (e.g., bedwetting, thumb-sucking), or preoccupied behaviour, engages in unusual amount of fantasy, focuses on being good
- Sleep disturbances, night terrors
- Reduced sense of personal space
- Unexplainable fear reaction to adult men and/or women generally
- Reluctance or refusal to go to a parent, relative, friend for no apparent reason
- Recurring physical complaints with no physical basis

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- Clinging or extreme seeking of affection
- Aggressive behaviour, temper tantrums
- Self-destructive and self-mutilating behaviours (e.g., substance abuse, eating disorders, suicide)
- Increased startle reaction or increased vigilance
- Presents noticeable mood or personality changes

CHILD PHYSICAL ABUSE INDICATORS

Unlike sexual abuse, physical abuse is often more indicated by obvious signs of physical injuries.

Physical Indicators

- Unexplained bruises and welts:
 - On the face, lips and mouth, eyes
 - On large areas of the torso, back, buttocks or thighs, genitalia
 - In clusters or patterns (e.g., from a wooden spoon, belt buckle, handprint)
 - On several different surface areas (indicating child has been hit from different directions)
 - In various states of healing (bruises of different colours, old and new scars)
- Unexplained burns from a cigarette, patterned burns (e.g., iron), burns suggesting that something was used to restrain child (e.g., rope burns), hot water immersion burns
- Unexplained fractures and dislocations, multiple fractures all at once or over time, pain in the limbs, tenderness and limitation of movements, skull fractures, limping or not using a limb, any fractures in children under two
- Unexplained lacerations and abrasions
- Unexplained abdominal injuries
- Human bite marks
- Distorted facial appearance with swelling, bleeding, bruising
- Bald spots and scalp bruises (caused by hair pulling)

Behavioural Indicators

Behavioural indicators may exist independently or in conjunction with physical indicators.

- Wary of physical contact with adults (avoids or shies away from any adult's touch)
- Displays extreme behaviour (extreme aggressiveness or extreme withdrawal)
- Fear his/her parents
- Fears going home
- Seems anxious to please
- Frequently late or absent from school
- Consistently arrives early to school and stays long after it's time to go home
- Wears clothing to conceal injuries
- Gives unbelievable explanations for injuries or claims no knowledge of the source of injuries
- Evidence of developmental lags especially in emotional and intellectual areas
- Exhibits habit disorders (sucking, rocking, biting or eating disorders)
- Role reversal: child tries to take on parent role)

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NEGLECT INDICATORS

While physical abuse indicators are often episodic (noticeable after weekends or absences), the indicators of neglect are more often chronic.

Physical Indicators

- Constant hunger, poor hygiene or inappropriate clothing for the weather
- Consistent lack of supervision
- Constant fatigue or listlessness
- Unattended physical problems or medical needs, such as untreated or infected wounds
- Underweight, poor growth pattern, failure to thrive syndrome
- Evidence of poor dental care

Behavioural Indicators

- Begs or steals food
- Constantly falls asleep in class
- Rarely attends school
- Comes to school very early and leaves very late
- Older children may engage in antisocial behaviours such as vandalism or theft
- States that there is no one to care for or look after him/her
- Indiscriminately seeks adult attention

CHILD ABUSE OFFENDER INDICATORS

Child abuse offenders cannot be clearly categorized according to the types of abuse. Often authoritarian, domineering and restrictive at home, yet an unassertive and colourless person in public.

- Alcohol or drug abuse
- Marital difficulties
- Relates more readily to children than adults
- Unusually protective, possessive or jealous of the child; discourages social contact of the child with peers or adults
- Shows immature, impulsive behaviour
- Responds to professionals as hostile and threatening
- Maintains control of family members by physical force or by intimidation
- Shows no respect for other's belongings, personal space, bodies, no respect for privacy
- Shows physical contact or affection that appears sexual in nature
- Relationship with the child may be inappropriate, sexualized or spousal in nature
- Reluctant to seek help for child's physical or emotional problems
- Blames the child for the problems, difficulties, disappointments
- Routinely uses harsh, unreasonable discipline
- Consistently degrades the child
- Neglectful families often appear chaotic with very loose boundaries e.g., relatives or strangers in and out of house a great deal

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**Adapted from the Child Protection and Assault Protocol of York Region (January, 2001) and the Toronto District School Board Policy on Dealing With Abuse and Neglect of Students

APPENDIX D

TYPES OF CHILD PROTECTION CONCERNS

The following list contains examples of types of situations that may warrant a report to the CAS. The examples have been taken from information from the Eligibility Spectrum, which is part of the Risk Assessment tool used, by all CAS in Ontario.

Physical Harm and/or Risk of Physical Harm:

- any type of injury caused by a parent or a caregiver
- use of physical punishment that could lead to physical injury; e.g. excessive spanking or use of items such as belts or sticks

Deprivation of Food and/or Water

- child is malnourished
- child is hungry

Locking Child Out of the Home

- child is forced outside for several hours in bad weather

Physical Confinement

- child is confined to a room for an extensive period or placed in a frightening situation; e.g. forced into a dark closet or basement

Sexual Abuse

- ranges from extreme sexual acts including violence to suggestive comments or involving children in examining pornographic material
- includes child who demonstrates sexual behaviour that is age inappropriate
- older child sexually assaults younger child and the behaviour suggests that it may have been learned from an inappropriate source

Threats of Harm

- ranges from extreme behaviour such as holding child out of a window or over a balcony to threatening to physically harm child or deprive child of food

Inadequate Supervision

- all children under the age of 16 years must have reasonable provision made for their care
- there is no law that says specifically what age a child may be left unattended; however, C.A.S. will investigate any child under 10 years of age who is left unsupervised

Neglect

- child misses meals due to parent's neglect
- child's hygiene is unacceptable
- child's clothes are inappropriate for the weather
- child is not protected from dangerous animals in the home

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- house is unsanitary or in dangerous condition; e.g. there are exposed wires, no running water, and no heat in winter, etc.

Physical Health

- parent or caregiver does not respond to the child's need for medical or dental care
- does not necessarily include head lice unless the child misses a great deal of school or is ostracized by peers as a result

Treatment Issues

- child requires treatment for mental/emotional condition or developmental condition and parents are unable, for any reason, to obtain treatment; e.g. attention deficit disorder, anorexia nervosa, obsessive-compulsive disorder, specific learning disabilities, hearing or speech impairments, etc.

Child Under 12 Years of Age Commits a Serious Act

- the child's caregiver either encouraged the act, are not willing or are unable to provide treatment and/or the child's caregiver is not providing adequate supervision of that child

Emotional Harm

- parents fail to get treatment for child's emotional difficulties; e.g. child is suicidal but parents feel that treatment is unnecessary

Adult Conflict

- any child who reports violence in the home

Orphaned/Abandoned Child

- parents have died and there is no guardian to care for the child
- child has been abruptly deserted or abandoned by their caregiver

Parent-Child Conflict

- due to high caregiver/child conflict, there is a need for the C.A.S. to intervene; physical injury of a family member is possible as a result of this conflict

Other Caregiver Issues

- previous abuse; e.g. untreated sexual offender
- lack of appropriate action to prevent child from being abused
- parent/caregiver has a mental illness, alcoholism, drug addiction, physical or intellectual limitations that interfere with his/her ability to care for the child
- poor care giving skills; e.g. unable to bond with the child, handles an infant roughly or are unable to handle the routine of the child

Procedures Dealing With Sexual Abuse, Sexual and Physical Assault, Alleged Perpetrator is Board Employee or Volunteer

1. If the student/former student is under the age of 16, the employee who has the suspicion must proceed to make a report to the CAS following the Procedures and Notes for Reporting Child Protection and Assault previously outlined in this document.
2. Advise the principal or vice principal of the circumstances related to the case and of report made to the Children's Aid Society.

Definition of Sexual Abuse:

- a) sexual intercourse or other forms of physical sexual relations between a teacher and the student,
 - b) touching, of a sexual nature, of the student by the member, or
 - c) behaviour or remarks of a sexual nature by the teacher towards the student. (s. 1 *Ontario College of Teachers' Act*)
- The principal or vice principal will immediately notify the appropriate Superintendent of Schools.
 - Under no circumstances shall the implicated staff member be contacted regarding allegations or disclosures until specific instructions are received from the CAS and/or investigating police. This is in keeping with the *Teaching Profession Act* as amended. See section 12(2) Reporting sexual abuse.
 - This procedure is designed to secure the safety of students, to ensure that the rights of the victim and alleged abuser are protected, and to prevent possible destruction of evidence or flight by the alleged abuser.

3. If a student/former student 16 years of age or over, makes a disclosure regarding possible sexual abuse, sexual or physical assault, the student/former student should be informed by the principal or vice principal that he/she has the right to call police. If the student/former student decides to report, they should be assisted to do so and given support. The reported sexual abuse/assault may be current or historical.

- 3.1 If the disclosure by a student/former student 16 or over causes reasonable grounds to suspect that other children under age 16 such as siblings may be at risk, there is a mandatory duty to report to the CAS following Board procedures.

4. Alternate Assignment for Implicated Employee During Investigation

Where a student/former student discloses sexual abuse, sexual or physical assault by an employee and the police have begun an investigation, that employee will be immediately reassigned to suitable alternate duties outside the school, not involving contact with students.

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In the case of a teacher or other unionized employee, she/he must be notified of the right to contact his/her federation/union representative.

5. After Charges Laid

Where an employee is charged with a criminal offence of a sexual nature involving students/former students of any age, or young persons under the age of 16, whether or not they are students/former students of the York Catholic District School Board, that employee will be assigned immediately to suitable alternate duties outside the school, not involving contact with students until the charges have been disposed of. S. 170(1) 12.1 *Education Act* RSO 1990, c. E2.

6. Upon Completion of Police Investigation/Acquittal/Conviction or Where No Investigation

Upon completion of a police investigation, acquittal or conviction, or where no criminal investigation has been undertaken, the Office of the Director will review the assignment/status of the employee. Such review may include an internal investigation and subsequent action such as discipline or recommendation for support including counseling.

The employee will be dismissed from employment if convicted of a sexual offence against a student, or if an internal investigation determines, on a balance of probabilities, that the employee sexually exploited or sexually assaulted the student.

7. Board Reporting Obligation

Where the employee is a member of a professional college/society/association, a report of professional misconduct will be made to that college/society/association by the Director of Education or designate. See *Education Act* RSO 1990, c. E2 s. 43.3.

8. School Community Support

Following disclosure or criminal charges, as outlined above, the Board will provide appropriate support for the affected school community. The Director of Education or designate will determine the nature of such support which may include meetings with the staff, students and individual counseling for staff or students as required. The Director or designate will also determine the response to be made to the parent community to explain school response, answer questions and provide advice for dealing with the personal safety of their children.

9. Communications Subsequent to Disclosure

Principals and staff shall not communicate with other students, other parents, or the community about the disclosure or criminal charges until the appropriate superintendent has been consulted and a determination has been made by the Director of Education about the specific communication.

The York Catholic District School Board

10. Board Policy on Sexual Relationships Between Employees and Students
 - 10.1 Board employees/volunteers working directly with a student of any age in their professional capacity (see 10.3 below) will not enter into a sexual relationship with that student during the course of the professional relationship or while the student is attending a school within the Board.
 - 10.2 In the case of students/former students under the age of 16, any relationship, in addition to being a criminal offence of sexual exploitation or sexual assault, is a serious breach of Board Policy.
 - 10.3 Professional capacity shall mean working or volunteering in the same school as the student is enrolled or otherwise supervising, counseling, coaching, or assisting in extracurricular activities in which the student is participating regardless of which school the student is attending.