

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Students	<i>Policy Number</i> 204
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POLICY TITLE: CHILD PROTECTION AND ABUSE

SECTION A

1. PURPOSE

The York Catholic District School Board recognizes the sanctity and dignity of human life and the requirement for Trustees and employees to comply with Section 125 of the [Child, Youth and Family Services Act, 2017](#) and amendments to this Act. This Act has addressed itself in strong terms to society's obligations in the protection of children.

2. OBJECTIVE

It is the policy of the York Catholic District School Board to support fully the goals of child protection and abuse legislation outlined within the *Child, Youth and Family Services Act*. To affect such support, the Board mandates all persons who work and/or have direct contact with students to fulfill their moral and legal obligations, ensuring familiarization of the legislation and reporting procedures, in order to assist Child Protection Agencies (Catholic Children's Aid Society, Children's Aid Society and the Jewish Family and Child Services), hereby referred to as "Children's Aid Society (CAS)".

3. PARAMETERS

- 3.1 All Board Employees, students on placement, Volunteers, Third Party Providers and/or any other person in a position of trust or authority who have reasonable grounds to suspect that a child is or may be in need of protection, shall **immediately** report the suspicion and the information on which it is based to a Children's Aid Society. The duty to make a report overrides the provisions of any other provincial statute, including those legislative provisions that would otherwise prohibit the individual from disclosing confidential or privileged information.
- 3.2 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 immediately report the suspicion and the information on which it is based to a society if:

- 3.2.1 The child has suffered physical harm inflicted by the person having charge of the child or caused by or resulting from that person's:
 - i) failure to adequately care for, provide for, supervise or protect the child; or,
 - ii) pattern of neglect in caring for, providing for, supervising or protecting the child.
- 3.2.2 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:
 - i) failure to adequately care for, provide for, supervise or protect the child; or,
 - ii) pattern of neglect in caring for, providing for, supervising or protecting the child.
- 3.2.3 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.
- 3.2.4 There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3.2.3.
- 3.2.5 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*, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.
- 3.2.6 The child has suffered emotional harm, demonstrated by serious:
 - i) anxiety;
 - ii) depression;
 - iii) withdrawal;
 - iv) self-destructive or aggressive behaviour; or,
 - v) delayed developmentand 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.
- 3.2.7 The child has suffered emotional harm of the kind described in 3.2.6 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](#), refuses or is unavailable or unable to consent to treatment to remedy or alleviate the harm.
- 3.2.8 There is a risk that the child is likely to suffer emotional harm of the kind described in 3.2.6 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.
- 3.2.9 There is a risk that the child is likely to suffer emotional harm of the kind described in 3.2.6 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*, refuses or is unavailable or unable to consent to treatment to prevent the harm.
- 3.2.10 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*, refuses or is unavailable or unable to consent to treatment to remedy or alleviate the condition.

- 3.2.11 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.
- 3.2.12 The child is younger than 12 years of age and has killed or seriously injured another person or caused serious damage to another person's property, and 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*, refuses or is unavailable or unable to consent to treatment.
- 3.2.13 The child is younger than 12 years of age 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.
- 3.3 The individual **shall** make the report **directly** to the Children's Aid Society, in respect of a child up to the age of their 18th birthday, and shall not rely on any other person to report on his or her behalf.
- 3.4 The **duty to report** is an **ongoing obligation**. If an individual has made a previous report about a child, and has additional reasonable grounds to suspect that a child is or may be in need of protection, that individual shall **immediately** make a further report to a Children's Aid Society. Further, the individual who has the reasonable grounds to suspect that a child is or may be in need of protection shall not rely on anyone else to report on his or her behalf.
- 3.5 All Board Employees, students on placement, Volunteers, Third Party Providers and/or any other person in a position of trust or authority, who have made a report to the Society shall immediately complete the **Confirmation of Report** form and **scan/email** to the personal attention of the Director of Education.
- 3.6 No action for making a report to the Children's Aid Society shall be instituted against a person who makes a report unless the person acts maliciously or without reasonable grounds for the suspicion.
- 3.7 In making a report, with or without the concurrence of the Principal or any other personnel, the individual making the report shall not be criticized or be subject to any form of reprimand by the Board.
- 3.8 In cases where the individual 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 individual shall contact the Children's Aid Society **immediately** for consultation. The individual who has consulted with the Society shall immediately complete the **Confirmation of Report** form and **scan/email** to the personal attention of the Director of Education.
- 3.9 In cases where the alleged perpetrator is a colleague in the workplace or an employee of the Board, this person shall not be interviewed or communicated with by others aside from the "**Team**" (Children's Aid Society representative or Police Officer).
- 3.10 In the case of indirect disclosure(s) the individual shall, without verifying the information with the victim prior to a consultation with CAS, contact the Children's Aid Society.

- 3.11 The responsibility of investigation shall lie solely with the Children's Aid Society or Police as per the [Child Protection Protocol of York Region](#).
- 3.12 The decision to notify parents/guardians/caregivers if Children's Aid Society or Police are involved shall lie with the Children's Aid Society or Police, **not** the Principal or Designate.
- 3.13 Every person is guilty of an offence as defined in *Section 125 of the Child, Youth and Family Services Act, c C11*, if a suspicion of abuse and the information on which it was based is not reported.

4 RESPONSIBILITIES

4.1 Board of Trustees

- 4.1.1 To comply with Section 125 of the *Child, Youth and Family Services Act, c. C11* and amendments to this Act in the protection of children.

4.2 Director of Education

- 4.2.1 To oversee compliance of the Child Protection and Abuse Policy and Independent Procedures.

4.3 Superintendents of Education

- 4.3.1 To support the implementation of the Child Protection and Abuse Policy and Independent Procedures.

4.4 Human Resources

- 4.4.1 To provide Employees with the appropriate training for the implementation of this policy.

4.5 Principals

- 4.5.1 To provide, on an annual basis, a review of this policy to school staff, students on placements, volunteers, and any other individual who has direct contact with students in the school to ensure familiarization of the policy, independent procedures, legislation and reporting procedures on an annual basis.
- 4.5.2 To advise school personnel against conducting any investigations pertaining to any suspicions or any disclosures.
- 4.5.3 To notify the Manager of Student Transportation Services of any behaviour which affects the safety and/or well-being of a student in accordance with this policy and procedures.
- 4.5.4 To grant permission for the interviewing of a student(s) on school premises when a child protection concern is reported under the *Child, Youth and Family Services Act, Section 125*, if requested by the Children's Aid Society, and to provide an appropriate location where the interview can be conducted. Specialized resources and/or information may be required to assist in the investigative interview of a child with special needs in order to facilitate accurate communication. This information will be provided to the Team at the time of the report.
- 4.5.5 To determine, in consultation with the Team, and in acting in the best interest of the child whether to have a support person for the child present during the interview.
- 4.5.6 To ensure Children's Aid Society personnel and/or the York Regional Police Officer understand that it is their duty to inform the caregiver(s) as soon as

possible if the child will be detained beyond the usual arrival time to his/her home.

- 4.5.7 In the event the caregiver(s) contacts or attends the school regarding the whereabouts of the child, the Principal or Designate will direct them to the attending Children's Aid Society personnel or Police Officer.
- 4.5.8 Should the caregiver(s) insist on removing the child from the school prior to the arrival of the Team, the Principal shall release the child to the caregiver(s) and immediately advise the Team.
- 4.5.9 To provide support and/or guidance to individuals who make a report if requested.

4.6 Employees

- 4.6.1 To participate in training sessions provided by Human Resources.
- 4.6.2 To familiarize themselves with the legislation governing this policy and to follow appropriate reporting procedures as outlined within the policy and independent procedures.

5. DEFINITIONS

5.1 Caregiver

For the purpose of this policy, a caregiver is someone who is in a permanent or temporary caregiving role including but not limited to, the mother, father, live-in partner, caregiver exercising access contact, adult with a custody and control order for the child, foster parent, school volunteer, third party providers, child care staff, babysitter, recreational group leader, school bus driver, taxi driver, a family member providing temporary substitute care, or a partner of the caregiver with no legal relationship to the child.

5.2 Child or Society/Crown Wards

A person up to the age of their 18th birthday.

5.3 Child Abuse

A child who has been or is at risk of being physically harmed, neglected, sexually harmed or emotionally abused by a person in a position of trust or authority.

5.4 Child, Youth and Family Services Act (CFSA)

Legislation in the Province of Ontario that outlines the roles and responsibilities of a child protection worker, and that governs child protection functions including defining a child in need of protection.

5.5 Child Protection Needs

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

5.6 Designate

For the purpose of this policy, a designate is a School Superintendent, Vice Principal or Teacher in Charge.

5.7 Duty to Report under the *Child, Youth and Family Services Act (CFSA)*

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

The duty to report is an ongoing obligation.

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

Further, the person who has the reasonable grounds to suspect that a child is or may be in need of protection shall not rely on anyone else to report on his or her behalf.

Persons who perform professional or official duties with respect to children include, but are not limited to: health care professionals, teachers, school principals, social workers, priests, rabbis and other members of the clergy, operator or employee of a day nursery, youth and recreation worker, peace officers, coroners, solicitors, and service providers and their employees.

If a person who has professional or official duties in their work with children does not report a suspicion of child abuse, then this person can be charged and fined up to \$5,000.

5.8 Employee

For the purpose of this policy, an employee is any individual hired by the York Catholic District School Board to perform services in exchange for a salary or an hourly wage on a casual, temporary or permanent basis, including, but not limited to, Centrally Assigned Staff, School personnel, and/or contracted Staff.

5.9 Position of Trust or Authority

A person in a position of trust is a person who is in a particular position with respect to the child which imposes on him/her a duty of care in relation to the child.

A person in a position of authority with respect to a child means that the person exercises the power of authority (i.e., the power or right to enforce obedience) over the child.

5.10 Support Person

Any person from whom the child wishes assistance during any process related to an investigation.

5.11 Team

Refers to those professionals from the Children's Aid Society and/or Police actively engaged in the investigation of the alleged child protection / assault issue.

5.12 Third Party Provider

For the purpose of this policy, a Third Party Provider refers to external private or publicly funded professionals/paraprofessionals whose services are provided to assist a student, in collaboration with school personnel, to acquire the knowledge and skills necessary to thrive in the school setting and do so in accordance with the *Education Act*, applicable Board Policies and Protocols.

6. CROSS REFERENCES

[Child, Youth and Family Services Act, 2017, S.O. 2017 c.14](#)

[Child Protection Protocol for York Region: Guidelines and Procedures for a Coordinated Response, revised January 2010](#)
[Education Act](#)

[Human Rights Code](#)
[Ministry of Education](#)

Policy / Program Memorandum No. 9: [Duty to Report Children in Need of Protection](#)

YCDSB Policy 613 [Equity & Inclusive Education](#)
[YCDSB Third Party Protocol for External Partnerships](#)

[YCDSB Procedure: Ours to Protect – Child Protection and Abuse Reporting Procedures, an addendum to Policy 204 Child Protection and Abuse](#)

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