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Child Welfare Policy

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Child Welfare Policy—Hope Academy

Article A – Underlying General Principles

The purpose of this child welfare policy is to assist Hope Academy in its duty of care for children. It is designed so that procedures will respect the requirements of the law and the confidentiality of all involved: the victims, the suspected abusers, the family, the teachers and other professionals. Not all situations will fit the policy exactly. In these cases, the general principles underlying the policy and protocol should guide the school.

The primary responsibility for ensuring the safety and well-being of the child lies with the parents or guardians.

The school has a custodial role in caring for the child. This is delegated to it by the parents or guardians and is a prime duty of the school; it is specifically part of the duties of the principal.

The protection of the child is paramount. If there is any doubt in the reporting or management of child abuse, the person should err on the side of protecting the child.

The state has the authority from God to use the means at its disposal to protect the child from abuse where necessary.

Hope Academy has a legal duty to cooperate with the state authorities. Furthermore, collaboration, cooperation, and good communication among all the involved professionals is essential for the protection of children.

Hope Academy must be sensitive to the particular needs of the child in the reporting and management of child abuse.

Article B – Summary of Legal Principles

Every person who performs professional or official duties with respect to a child and who has reasonable grounds to suspect physical, sexual, or emotional abuse to a child is required by the *Child and Family Services Act* to report this belief and the information on which it is based as quickly as possible to the Family and Children Service Agencies. Failure to report is contrary to the Act and may result in legal and professional consequences.

The *professional* duty to report applies to the following [Reference: Bill 6, 1999, Section 22(3)]:

a health care professional, including a physician, nurse, dentist, pharmacist, and psychologist;

a teacher, school principal, social worker, family counselor, priest, rabbi, member of the clergy, operator or employee of a day nursery and youth and recreation worker (“youth and recreation worker” does not include a volunteer);

a peace officer and a coroner;

a solicitor; and

a service provider and an employee of a service provider.

The professional making a report only needs to have reasonable grounds to suspect abuse, and is not expected to engage in any investigatory activity nor to be able to prove that child abuse has taken place or is taking place. This investigation duty is the responsibility of the CAS.

The professional making a report is not subject to legal action for making the report unless the report was made maliciously or without reasonable grounds for the belief or suspicion.

The Child and Family Services Act takes precedence over all other Acts and thus in instances of suspected child abuse, professionals must report all relevant information, even though the information may be confidential or privileged. The only exception to this rule is the lawyer-client relationship.

The principal of a school has the primary duty of care for the welfare of the students and of the overall management of the school. The principal also has many areas of legal responsibilities and powers originating in other legislation which may have to be considered in carrying out the responsibility for the child's welfare. Therefore, the protocol which the school uses should include the principal in the procedures whenever possible.

Article C – The Purpose of a Child Abuse Protocol

A *protocol* clarifies and codifies preferred practices. Once adopted by a school it becomes a school policy. The school's child abuse protocol specifies the procedures that are to be followed in cases when child abuse has occurred, is occurring, or is likely to occur, or when suspicions or allegations of such child abuse arise.

The protocol provides general information for the implementation of the Child and Family Services Act or its Regulations, but is not intended to be a substitute for them.

It provides the school with a set of preferred practices by which to deal with cases of suspected child abuse and provides a working definition of roles and responsibilities, both of the persons reporting and those investigating.

It provides the school with a procedure which protects the child, enhances a caring environment for the growth and development of the child, and guides the staff of the school in fulfilling their legal responsibilities.

It clarifies a definition of child abuse by limiting it to its legal meaning.

It will enhance the protection to the child and lessen the risk of further abuse through supportive actions by all involved.

This protocol underlines the importance of a multi-disciplinary, cooperative community approach in dealing with child abuse, involving collaboration of professionals, government officials, and community members.

Article D – Protocol for Reporting Suspected Child Abuse

When Abuse is Suspected. When a teacher or staff member suspects that a child is a victim of abuse, that staff member shall inform the principal regarding the suspicion and the circumstances, even if the information on which the suspicion is based is considered privileged or confidential. When the suspected abuser is the principal, the staff member may consult with a senior trusted colleague or trusted board member. In this case, take a copy of this protocol along since the person consulted may not be familiar with it.

No Investigation. The teacher and the principal shall not attempt to conduct an investigation or to prove that the child has been abused.

Comment: It must be made clear to all school personnel that they may not carry out any investigation at this or any other time. They are not responsible for gathering evidence of abuse and therefore should not actively seek disclosure of abuse from the child. This is contrary to the Act and will prevent the designated authorities from carrying out their investigation properly and obtaining uncontaminated statements and evidence.

Where Reasonable Grounds Exist. If after consultation, either the teacher or principal believes that the suspicion is based on reasonable grounds, or if there is a difference of opinion about whether reasonable grounds exist, the Children's Aid Society shall be contacted.

When Reasonable Grounds are Not Clear. When a teacher or principal is unclear about "reasonable grounds," that person shall discuss the circumstances of the suspected abuse with a CAS intake worker without using the name of the child. If after consultation, the intake worker advises that the situation must be reported, the staff member shall share all relevant information with the intake worker in accordance with the requirements of the Child and Family Services Act.

Comment: Once a report is made, the matter is out of the hands of the school; the procedures of the CAS take over and the school has no control over the course of events.

When Student is Sixteen Years of Age or Older. If abuse is suspected to a child over 16 years of age, the suspected abuse shall be reported. The CAS is responsible to determine if there is any other child under the age of 16 who may be in need of protection.

Comment: If the student is 16 or over and under the care of the CAS, the CAS may act as well.

Report as Soon as Possible. The report to the CAS shall be made as soon as possible in order to give the CAS time to interview the child before he or she is scheduled to go home at lunch or after school. If the CAS requests it, the principal shall detain and supervise the child at school for purposes of an interview.

Comment: At the time of reporting it would be important to know whether police will be involved, and how this might have an impact. The involvement of police is usually prescribed by local understandings between Child Protection agencies and the Police Department, so that any suggestions would be pre-empted by such understandings. If requested, the CAS will withhold the name of the professional reporting suspected child abuse. However, in subsequent court hearings it may become necessary to report the name; the person reporting may be required to appear in court.

Do Not Contact Parents. The person reporting shall **not** notify the parents or obtain their consent. The decision as to when and how to report to the parents will be made by the CAS workers.

Confidentiality. Any suspicion of a child at risk—through either neglect or abuse—must be kept confidential by restricting the number of people who are made aware and by all parties maintaining strict silence.

Make a Record of the Report of Suspected Child Abuse. The teacher and the principal shall review the outcome of the reporting to the CAS and fill in the form “Report of Suspected Child Abuse” (Appendix A: Forms) immediately. The principal shall be available for support to the staff member and to assist in any decision making that may have to occur.

Provide Access to the Child by the CAS worker. The place of interview should be discussed with the Children’s Aid Society worker at the time of the reporting. The personnel from either the CAS or the police will usually interview the child, and possibly other children in the family, at school. The principal shall permit a CAS worker to have access to the child at school, and to the child’s siblings if requested. The principal shall ensure that the proper identification has been produced by the child protection worker or police officer prior to an interview.

Presence of School Staff at Interview. The principal or principal designate may request that some appropriate adult, whether the teacher, a counselor, or the parent, be present at the interview in order to reduce the trauma to the child. The CAS will usually ask to interview the child alone. If the child is adamant in asking that a teacher or parent be present, authorities will generally consent, but the decision will be made by the CAS worker having in mind the best interest of the child.

Comment: The presence of school personnel in the interview should be determined on the basis of the unique relationship the school personnel may have with the student. Consideration should be given to how the involvement of the teacher or principal might have a negative impact on the ongoing relationship with the student.

Removal of Child from School. After the interview with the child, the CAS worker may believe that the child is at immediate risk and therefore is in need of protection. The CAS worker may, with or without a warrant, bring the child to a place of safety. Where this is the case, the principal or principal designate shall require a statement from the worker that he or she “believes the child is in need of protection and is removing the child to a place of safety.” If this is the case, the CAS worker or police officer will then take full responsibility for the student.

Notification of Parents or Guardians. It is the responsibility of the CAS to notify the parents where child abuse is suspected. The CAS will decide how and when to report to the parents. The reporting school person should ask the CAS worker when the parents will be notified so that the school may be prepared for the response and provide appropriate support. If the principal or principal designate wishes to notify the parent(s), the principal shall first consult with the CAS worker.

Ongoing Status of Investigation. The principal may ask the designated authorities to inform them of the outcome of their investigation once they have completed their interviews. It is the discretion of the authorities how much information they choose to provide.

School Report of Follow-up of Suspected Child Abuse. The principal may wish to use the discretionary follow-up report form “Discretionary Follow-up Report of Suspected Child Abuse” (Appendix B) in order to track events subsequent to a report of suspected child abuse. This form is discretionary and has been developed as a support document that can be used as a guideline for coordinating a process of healing, if necessary.

Follow-up Treatment. After the whole process of reporting the abuse, interviews, and possible charges have taken place, an assessment will be conducted and completed by the CAS. The CAS may recommend specific treatment for families or children or teachers. At this point, the case may be transferred, upon the parents’ or school’s request, to a competent Christian counselor for treatment.

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Article E -Protocol When Complaints Involve Teachers

When students have complaints or charges against teachers, these should be taken seriously by the Principal.

For allegations involving normal disciplinary actions by a teacher, the principal shall first consult with the teacher about whether existing discipline policies have been followed.

For allegations involving possible sexual or physical abuse by a teacher, the principal shall use discretion in consulting others.

When there are reasonable grounds to suspect that a school employee is the alleged abuser, the principal (or person suspecting the abuse) shall **follow the protocol in Article D above** and report the suspected abuse.

Neither the principal nor the school board is judge or investigator in serious allegations of physical or sexual abuse and must—the administrator being satisfied about the strength of the grounds—leave it to professionals through appropriate reporting (CAS or police).

Definitive action is important to protect not only the child but the parents, the school, and the teacher as well. It is not wise to let events unfold on their own via the grapevine.

If a principal or school board member is approached by an adult person claiming that a teacher or support staff member is sexually abusing a child then:

The principal shall determine whether or not reasonable grounds exist.

If reasonable grounds exist, the principal shall contact the police and/or child welfare officer. These persons will interview the child as soon as possible and determine whether the accusation is credible and if further action is warranted.

The person making the complaint should be advised to keep all these matters confidential.

The employee may be made aware of the complaint immediately after it has been laid with the agencies. The employee should be advised to contact the Ontario Christian School Teacher's Association if he or she is a member, and to seek personal legal counsel.

The employee should be requested to maintain confidentiality throughout the whole process.

The principal should inform the board chair in confidence of the allegations and keep him or her informed of the situation.

If charges are laid, the employee should be suspended from classroom duties by the Board.

It is generally expected that the principal and the chair of the school board are the only two people required to know about these matters. If charges are laid, the police will notify the appropriate family members.

Article F – Protocol When Complaints Involve the Principal

When students have complaints or charges of abuse against the principal, these should be taken seriously by the teacher (or other person) to whom the complaint is made.

When there are reasonable grounds to suspect that abuse by the principal has taken place, the teacher (or person suspecting the abuse) shall follow the protocol in Article D above and report the suspected abuse.

The staff member may consult with the vice-principal or a senior trusted colleague or the board chair. In this case, take a copy of this protocol along since the person consulted may not be familiar with it. For allegations involving possible sexual or physical abuse, the teacher shall use discretion in consulting others.

Neither the person reporting nor the school board is judge or investigator in allegations of physical or sexual abuse and should leave all investigation to the professionals through appropriate reporting (CAS or police).

Definitive action is important to protect not only the child but the parents, the school, and the principal as well. It is not wise to let events unfold on their own via the grapevine.

If a teacher or school board member is approached by an adult person claiming that the principal is sexually abusing a child then:

The person approached shall determine whether or not reasonable grounds exist.

If reasonable grounds exist, the person shall contact the police and/or CAS. The police or CAS will interview the child as soon as possible and determine whether the accusation is credible and if further action is warranted.

The person making the complaint should be advised to keep all these matters confidential.

The principal may be made aware of the complaint immediately after it has been laid with the agencies. The principal should be advised to contact the Teacher's Association if he or she is a member, and to seek personal legal counsel.

The principal should be requested to maintain confidentiality throughout the whole process.

The person should inform the board chair in confidence of the allegations and keep him or her informed of the situation.

If charges are laid, the principal should be suspended from his or her duties by the Board.

It is generally expected that the person reporting and the chair of the school board are the only two people required to know about these matters. If charges are laid, the police will notify the appropriate family members.

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Article G – Records and Confidentiality

When a teacher identifies or recognizes a situation of concern with respect to a student (a matter for special attention, such as performance or dress), the teacher should make a note in his or her own records and may consult with other staff members; after discussing the matter, the teacher may follow up as warranted.

Normally, passing any information about the child to a third person requires the consent of the parent. However, in the case of the health and safety of the child, this parental right is overridden by legal and statutory demands.

The “Report of Suspected Child Abuse” form or any other record of the abuse allegations or reports must not be kept in the student’s *Ontario School Record(OSR)* but in a separate and confidential file, since it is not a record that is “conducive to the improvement of the instruction of the student”(see *OSR Guideline 2000*, 3.4, page 12). Furthermore, normal privacy and access provisions apply to the OSR and the record would be accessible to the student and his or her parents and others.

All records concerning reports of suspected abuse or neglect are confidential. Anyone who commits, assists or encourages the release of information from records to a person or agency not legally permitted to have access, may be guilty of a misdemeanor.

Confidentiality is essential. The process of reporting suspected cases of child abuse is intended to help children. However, the process must also protect them and any others, including any adults involved, from unfair or undue social stigmas and public judgments while the process is in progress. Therefore, confidentiality is absolutely essential.

The intent to help children requires that information about them be kept with the utmost confidence in order to protect their esteem (and self-esteem).

All parties involved, student, teacher, principal, parent, should be strongly advised to keep all information confidential. Leaked information will hurt the child and damage the adult’s reputation.

The school principal may want to consult in confidence with the appropriate professionals (such as pastor, public health nurse, social worker) prior to making

the report. The consultation process may be used for a variety of purposes and occur at different times.

Prior to reporting, a consultation can assist the principal in determining that reasonable grounds do exist to suspect that the child is in need of protection.

During the process, even though it is determined that the child is not in need of protection, the consultation may lead to a cooperative venture in helping to improve a negative or hurtful family situation.

After reporting, consultation can enable the school to be part of the helping process to bring about healing and reconciliation in the family and in the community and social relationships.

All such exchange of information must be guarded with the promise of confidentiality. The information is to be used for the benefit of those involved; the release of information may not be used to hurt or damage those involved.

Article H – What Are Reasonable Grounds?

“You do not need to be sure that a child is in need of protection to make a report to a CAS. ‘Reasonable grounds’ are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would suspect” (Brochure *Reporting Child Abuse and Neglect*, Ontario Ministry of Community and Social Services).

Reasonable grounds vary from case to case and depend on the type of abuse. In order to be able to make a “reasonable grounds” decision, school staff should be familiar with the physical and behavioural indicators of the four types of abuse. (See Appendix B: What is Child Abuse?)

Reasonable grounds are as follows: In the case of physical abuse, a single indicator may establish reasonable grounds. Generally, though, several indicators over a period of time may be needed to establish reasonable grounds. Discussion with the principal can not only clarify indicators of abuse, but also assist and support staff in these difficult circumstances. Consultation with the CAS regarding specific indicators and circumstances can also be helpful.

Reasonable grounds should be based on factual observations and discussions. It is advisable to keep a record of such observations, with dates and times included, and significant direct quotes from a child. This is particularly important in situations of neglect and emotional maltreatment, both of which are difficult to identify. (See the Documentation Form in Appendix A.)

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Article I – Recommendations for Discretionary Areas

The principal is responsible for the welfare of the child enrolled in the Christian school during school hours and during school events. This is a custodial power enabling the principal to take actions to protect the child's safety and ensure that the school environment remains friendly and supportive for that child.

At the time of the reporting, possible police involvement should be discussed, and whether or not further information will be required. In cases of sexual abuse or serious physical abuse, the police may also become involved in the situation. The involvement of police is usually prescribed by local understandings between child protection agencies and the police department, so that any suggestions to CAS workers would be pre-empted by such understandings.

The persons affected in a situation of abuse may specify what treatment they believe to be most appropriate for their needs. Therefore, each school should have available the names and addresses of preferred institutions, agencies, or services which can be forwarded to the CAS. The school should include the names of competent and certified Christian counselors and agencies in this list.

It is assumed that discussions at the time of the reporting to the CAS will proceed much more positively and helpfully if a good working relationship has been established between the school and the CAS prior to emergencies developing. It is definitely recommended that all school contact their local agencies in order to:

- determine what their preferred procedures are;

- determine what kind of support services they have available;

- make the CAS workers familiar with the school and the type of community which supports the school;

- discuss whether the school protocol fits local office preferences.

The OACS recommends in-service programs for teachers to acquaint them with up-to-date information about possible child abuse situations. Local CAS staff as well as persons recommended by the OACS are available as resources for these programs.

Article J – Follow-up for the Child

After the assessment of the abuse allegations has been completed by the authorities, the parents may wish to work with a Christian counselling organization. The treatment may involve:

Working on a one-to-one basis with the student, or family counselling as well as group involvement;

Working with the parents to help them deal with their own feelings related to the abuse as well as learning some ways of dealing with their child's reactions, feelings, etc., related to the abuse.

The principal and staff should be aware that the child may need special understanding and support in school. The principal and staff are advised to get training for this. Resources are available from Christian counselling agencies, through referral by the OACS, or from the local CAS.

Article K – Creating a Safe School Environment

The Christian school is responsible for being a safe school environment for all children and adults within its walls. The school can become safer in several ways: it can lessen the likelihood of abuse happening at school; it can become help children to be more aware of what abuse is and the importance of reporting it; and it can be more sensitive to children who may be the victims of abuse.

Expectations of Staff and Volunteers

1. All teachers of the school must undergo a Police vulnerable sector check prior to hiring.
2. All bus drivers, school staff, and volunteers will be required to have a security check prior to beginning their employment or volunteer service.
3. All staff members must sign the Hope Academy Code of Conduct if it has one.
4. Hope Academy ensures that all staff members are familiar with its Child Welfare Policy.
5. Hope Academy will monitor its Child Welfare Policy and ensure that it is enforced.

Working Conditions

1. All classroom doors should have windows that give an unobstructed view into the room or be left open.
2. One-on-one contacts between staff and students should be held in public view.

3. Displays of affection between staff and students can be a natural way of conveying support and encouragement but should be limited to brief and appropriate contact. Any person's sensitivity to such contact or right to refuse such contact must be respected.
4. On outings away from the school, groups of students must be supervised by at least one adult male and one adult female when boys and girls are participating.

Training

All teachers and others who work with students will be given training relative to abuse prevention and awareness. Such training may include:

1. The school's expectations for conduct and safe working conditions, as noted above.
2. The nature and indicators of child abuse.
3. Reporting requirements and procedures.
4. Training may include a presentation or a discussion with the local CAS about preferred procedures in case of suspicions or allegations of abuse.

Curriculum

The school should have a program as part of its curriculum that teaches children age-appropriate awareness of abuse issues and teaches them to disclose abuse.

Appendix A – Forms

1. Report of Suspected Child Abuse(download)

2. Discretionary Follow-Up Report of Suspected Child Abuse(download)

3. Documentation Form

“You do not need to be sure that a child is or may be in need of protection to make a report to a children's aid society. ‘Reasonable grounds’ are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would suspect” (Brochure *Reporting Child Abuse and Neglect*, Ministry of Community and Social Services, 2000).

Reasonable grounds vary from case to case and depend on the type of abuse. In order to be able to make a “reasonable grounds” decision, school staff should be familiar with the physical and behavioural indicators of the four types of abuse. (See Appendix B: What is Child Abuse?)

“Reasonable grounds are as follows: In the case of physical abuse, a single indicator may establish reasonable grounds. Generally, though, several indicators over a period of time may be needed to establish reasonable grounds. Discussion with the principal can not only clarify indicators of abuse, but also assist and support staff in these difficult circumstances. Consultation with the CAS regarding specific indicators and circumstances can also be helpful.

“Reasonable grounds” should be based on factual observations and discussions. It is advisable to keep a record of such observations, with dates and times included, and significant direct quotes from a child. This is particularly important in situations of neglect and emotional maltreatment, both of which are difficult to identify.

The teacher’s documentation record should be kept by the teacher and not stored in the child’s OSR (see G3 above).

The teacher’s documentation record should:

- be brief and to the point and written immediately after an observation is made;
- include dates and times,
- record factual observations and no judgments;
- include relevant quotes from the child.

A simple form may look as follows:

Date	Time	Observation

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Appendix B – Indicators of Child Abuse

Physical Abuse

Physical abuse is any non-accidental injury to a child, such as throwing, kicking, burning or cutting a child, striking with a closed fist, shaking a small child, interfering with breathing,

threatening with a deadly weapon, or doing any act which is likely to cause them harm greater than transient pain or minor, temporary marks. Such actions may cause bruises, welts, cuts, fractures, burns, internal injuries, and even death. Improper diet and withholding food, potential resulting in severe malnutrition are also examples of physical abuse. In some cases, injury can be caused by excessive discipline.

Physical Indicators of Physical Abuse

Unexplained bruises and welts, especially those:

- on face, back, buttocks and thighs
- in stages of simultaneous healing
- the shape of an instrument, such as a belt or hairbrush
- appearing after child's absence, weekend or vacation.

Unexplained burns:

- cigarette burns (hands, feet, back, buttocks)
- immersion burns (sock-like or glove-like in shape)
- burns patterned like an electric burner, iron, etc.
- rope burns (arms, legs, torso).

Unexplained fractures:

- to skull or facial structure
- in stages of simultaneous healing
- multiple or spiral fractures.

Inappropriate dress:

- long-sleeved dress in hot weather.

Behavioural Indicators of Physical Abuse

- reports by child of having been injured by parents
- extreme wariness of parents

extreme wariness of adults in general

resistance to being touched

fear of going home

extreme watchfulness (“frozen watchfulness”)

apprehensiveness when other children cry

unexplained, prolonged absences

unlikely or inconsistent explanation for bruises, etc.

denial that bruises exist

reluctance to undress in change room

extremes of behaviour

aggressiveness or withdrawal

fearfulness, fearlessness, attention-seeking, or avoidance.

Sexual Abuse

Sexual abuse of a child is any interaction between a child and an older person where the child is being used for sexual gratification. The abuse may be in the form of inappropriate bodily touching over clothing, exposure to pornography, fondling, inviting the child to engage in masturbation, oral sex, or intercourse. Sexual abuse almost always involves engaging the child in sexual activity through the use of bribes, threats, force or coercion. It is estimated that up to eighty percent of sexual abuse cases involve someone the child knows and trusts – a family member, neighbour, or friend. It is important to note that when a child discloses, the abuse may have been going on for some time. Even if the victim is over 16 years of age, and even if the abuse has stopped, it is important to report the abuse so that the CAS and police can investigate and ensure that other siblings are not at risk.

Physical Indicators of Sexual Abuse

difficulty in walking or sitting

torn, stained, or bloody underwear; pain or itching in the vaginal area

bruises or bleeding in genital, vaginal or anal areas

venereal diseases especially in pre-teens

pregnancy

Behavioural Indicators of Sexual Abuse

fear of male parent or guardian; fear of all males

wariness of physical contact, especially when initiated by an adult

fear of the night, dark

sophisticated or bizarre behaviour or knowledge

seductive behaviour for approval

unwillingness to change for physical education, or to participate in active sports or games

poor peer relationships or inability to make friends

non-participation in school activities

inability to concentrate at school

sudden drop in school performance

sleep disturbances

withdrawal

running away from home, stealing or other troublesome behaviour

Emotional Abuse

Emotional abuse occurs when the parent continually treats the child in such a negative way that the child's self-concept is seriously impaired. It can include chronic ridicule, rejecting, belittling, shouting, terrorizing, scape-goating, punishing a child for normal behaviour such as smiling or running, intimidating a child by threatening to hurt them, ignoring or isolating the child so that the capacity of the child to reach his or her potential is seriously undermined. Long-term damage to the child can be devastating to the child's development and self-esteem.

Behavioural Indicators of Emotional Abuse

development lags; physical, mental or emotional

habit disorders; sucking, biting, rocking, etc

conduct disorder; antisocial and destructive behaviour

speech disorders; sleep disorders; inability to play

extreme passivity or aggressiveness

extreme infantile behaviour

extreme adult behaviour, appearing to take over and parent parents

hysteria; obsession; phobias; hypochondria

Neglect

Neglect is chronic inattention to the child's basic needs, both physical and emotional. It is any maltreatment or negligence that harms the child's health, welfare, or safety, such as inadequate medical care, food, or housing. It is harder to pinpoint and more often ignored than physical abuse. The indicators are less dramatic and the effects on children seem to be less damaging. However, neglected children are very seriously at risk. Their situation may be chronic and long-term.

Physical Indicators of Neglect

consistent hunger; malnutrition; underweight; dehydration

poor hygiene; dirtiness; skin disorders associated with improper hygiene

inappropriate dress; exposure symptoms, such as sunburn, frostbite

consistent fatigue; listlessness

unattended health problems

inadequate supervision

Behavioural Indicators of Neglect

begging, stealing food

theft in general

verbal evidence that there is no care-giver at home; arriving early/staying late

falling asleep in class

delinquency; drug or alcohol abuse

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Appendix C – Child and Family Services Act: Part III: Child Protection

This appendix provides a copy of those sections of the [Child and Family Services Act: Part III: Child Protection](#) that are deemed to be of relevance to the school. The sections below have been grouped into logical topics but the Section numbers preface each piece so reference can be made to the Act.

NOTE that this section has been update to the current Act. May 2011

Definitions

[37. \(1\)](#) “child” does not include a child as defined in subsection 3 (1) who is actually or apparently sixteen years of age or older, unless the child is the subject of an order under this Part; (“enfant”)

[Note: Section [3.\(1\)](#) of the Act defines “child” as follows: “‘child’ means a person under the age of eighteen years; (“enfant”)” This Part of the Act applies only until a child becomes sixteen, unless there is an order otherwise in which case a child older than 16 may fall under this Part of the Act.]

Child in need of protection

[\(2\)](#) A child is in need of protection where,

(a) 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;

(b) 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;

(c) the child has been sexually molested or sexually exploited, including by child pornography, 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;

(d) there is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c);

(e) 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;

(f) 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 the person having charge of the child;

(f.1) the child has suffered emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(g) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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;

(g.1) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) 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 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;

(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 twelve 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 twelve 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; or

(l) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent, to be dealt with under this Part. R.S.O. 1990, c. C.11, s. 37 (2); 1999, c. 2, s. 9.

Duty to Report

Duty to report child in need of protection

72. (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:

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.

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. The child has been sexually molested or sexually exploited, including by child pornography, 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.

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 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 i, ii, iii, iv or v of paragraph 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 of the kind described in subparagraph i, ii, iii, iv or v of paragraph 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 in subparagraph i, ii, iii, iv or v of paragraph 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 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.

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. 1999, c. 2, s. 22 (1).

Ongoing duty to report

[\(2\)](#) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) or to believe that a representation or material is, or might be, child pornography under subsection (1.1) shall make a further report under subsection (1) or (1.1) even if he or she has made previous reports with respect to the same child. 2008, c. 21, s. 3 (3).

Person to report directly

[\(3\)](#) A person who has a duty to report under subsection (1) or (2) shall make the report directly to the society, a person who has a duty to report under subsection (1.1) shall make the report directly to any organization, agency or person designated by regulation to receive such reports, and such persons shall not rely on any other person to report on their behalf. 2008, c. 21, s. 3 (3).

Offence

[\(4\)](#) A person referred to in subsection (5) is guilty of an offence if,

(a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and

(b) the information on which it was based was obtained in the course of his or her professional or official duties. 1999, c. 2, s. 22 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 72 is amended by the Statutes of Ontario, 2008, chapter 21, subsection 3 (4) by adding the following subsections:

Same

[\(4.1\)](#) A person is guilty of an offence if the person fails to report information as required under subsection (1.1). 2008, c. 21, s. 3 (4).

Same

[\(4.2\)](#) A person is guilty of an offence if the person,

- (a) discloses the identity of an informant in contravention of subsection (1.4); or
- (b) dismisses, suspends, demotes, disciplines, harasses, interferes with or otherwise disadvantages an informant in contravention of subsection (1.5). 2008, c. 21, s. 3 (4).

Same

(5) Subsection (4) applies to every person who performs professional or official duties with respect to children including,

- (a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;
- (b) a teacher, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, operator or employee of a day nursery and youth and recreation worker;
 - (b.1) a religious official, including a priest, a rabbi and a member of the clergy;
 - (b.2) a mediator and an arbitrator;
 - (c) a peace officer and a coroner;
 - (d) a solicitor; and
 - (e) a service provider and an employee of a service provider. 1999, c. 2, s. 22 (3); 2006, c. 1, s. 2; 2010, c. 10, s. 23.

Same

(6) In clause (5) (b),

“youth and recreation worker” does not include a volunteer. 1999, c. 2, s. 22 (3).

Same

(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence. 1999, c. 2, s. 22 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6.1) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (5) and the following substituted:

Same

[\(6.1\)](#) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) or (4.1) by an employee of the corporation is guilty of an offence. 2008, c. 21, s. 3 (5).

See: 2008, c. 21, ss. 3 (5), 6.

Same

[\(6.2\)](#) A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than \$1,000. 1999, c. 2, s. 22 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6.2) is repealed by the Statutes of Ontario, 2008, chapter 21, subsection 3 (6) and the following substituted:

Penalty

[\(6.2\)](#) A person convicted of an offence under subsection (4), (4.1), (4.2) or (6.1) is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both. 2008, c. 21, s. 3 (6).

See: 2008, c. 21, ss. 3 (6), 6.

Protection for Reporting Person

Section overrides privilege

[\(7\)](#) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion. R.S.O. 1990, c. C.11, s. 72 (7); 1999, c. 2, s. 22 (4).

Duties and Powers of the Society

Authority to enter, etc.

[\(6\)](#) A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (4) (d) may at any time enter any premises specified in the warrant or order, by force if necessary, and may search for and remove the child. R.S.O. 1990, c. C.11, s. 40 (6).

Apprehension without warrant

[\(7\)](#) A child protection worker who believes on reasonable and probable grounds that,

(a) a child is in need of protection; and

(b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 47 (1) or obtain a warrant under subsection (2),

may without a warrant bring the child to a place of safety. R.S.O. 1990, c. C.11, s. 40 (7).

Right of entry, etc.

[\(11\)](#) A child protection worker who believes on reasonable and probable grounds that a child referred to in subsection (7) is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child. R.S.O. 1990, c. C.11, s. 40 (11).

Order

74.[\(3\)](#) Where the court is satisfied that a record or part of a record that is the subject of a motion referred to in subsection (2) contains information that may be relevant to a proceeding under this Part and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court. 1999, c. 2, s. 24 (1).

Same

[\(3.1\)](#) Where the court is satisfied that a record or part of a record that is the subject of an application referred to in subsection (2) may be relevant to assessing compliance with one of the following and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court:

1. An order under clause 51 (2) (b) or (c) that is subject to supervision.
2. An order under clause 51 (2) (c) or (d) with respect to access.
3. A supervision order under section 57.
4. An access order under section 58.
5. An order with respect to access or supervision on an application under section 64 or 65.1.
- 5.1 A custody order under section 65.2.
6. A restraining order under section 80. 1999, c. 2, s. 24 (1); 2006, c. 5, s. 29.

Court may examine record

[\(4\)](#) In considering whether to make an order under subsection (3) or (3.1), the court may examine the record. R.S.O. 1990, c. C.11, s. 74 (4); 1999, c. 2, s. 24 (2).

Register

[75. \(1\)](#) In this section and in section 76,

“Director” means the person appointed under subsection (2); (“directeur”)

“register” means the register maintained under subsection (5); (“registre”)

“registered person” means a person identified in the register, but does not include,

(a) a person who reports to a society under subsection 72 (2) or (3) and is not the subject of the report, or

(b) the child who is the subject of a report. (“personne inscrite”) R.S.O. 1990, c. C. 11, s. 75 (1).

Child abuse register

[\(5\)](#) The Director shall maintain a register in the manner prescribed by the regulations for the purpose of recording information reported to the Director under subsection (3), but the register shall not contain information that has the effect of identifying a person who reports to a society under subsection 72 (2) or (3) and is not the subject of the report. R.S.O. 1990, c. C. 11, s. 75 (5).

Cooperation with the Society

Offence

[84.](#) No person shall,

(a) knowingly give false information in an application under this Part; or

(b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker or a peace officer who is acting under section 40, 41, 42, 43 or 44. R.S.O. 1990, c. C.11, s. 84.

Offences

[85.\(1\)](#) A person who contravenes,

(a) an order for access made under subsection 58 (1);

(b) Repealed: 1999, c. 2, s. 30 (1).

- (c) subsection 74 (5) (disclosure of information obtained by court order);
- (d) subsection 75 (6) or (10) (confidentiality of child abuse register);
- (e) an order made under subsection 76 (8) (amendment of society's records);
- (f) subsection 79 (3) or (5) (leaving child unattended, etc.);
- (g) a restraining order made under subsection 80 (1);
- (h) section 82 (unauthorized placement);
- (i) any provision of section 83 (interference with child, etc.); or
- (j) clause 84 (a) or (b),

and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1990, c. C.11, s. 85 (1); 1999, c. 2, s. 30 (1, 4).

Idem

(2)A person who contravenes subsection 79 (2) (child abuse), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

(3)A person who contravenes subsection 45 (8) or 76 (11) (publication of identifying information) or an order prohibiting publication made under clause 45 (7) (c) or subsection 45 (9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1990, c. C.11, s. 85 (2, 3).

Report of Suspected Child Abuse

Child's Name _____

Address _____

Present School _____

Birth Date

YY	MM	DD

 Age: _____

Parents' or Guardian's Names: _____

Child resides with: Same as above or _____
Name/Address

Telephone #

Home	Work

Person Suspecting Abuse:

Name	Title

Date and Time of Suspicion:

YY	MM	DD

 Time _____

Report to Principal:

YY	MM	DD

 Time _____

Type of Suspected Abuse: Physical Sexual Emotional Neglect

Observations leading to suspicion of abuse (Time and Dates if communicated - attach if necessary):

Other Staff consulted (direct or support): _____

Report to Children's Aid Society:

YY	MM	DD

 Time _____ CAS CCAS

Person Reporting _____ Title _____ Case Worker (CAS) receiving call _____

Children's Aid Society Response: _____

Additional Information: _____

Signature:

YY	MM	DD

 _____ Staff member suspecting abuse _____ Principal _____

Discretionary Follow-Up Report of Suspected Child Abuse *

Child's Name _____

Address _____

School _____

Birth Date

_____|_____|_____
YY MM DD

Date of Initial Report of Suspected Abuse

_____|_____|_____
YY MM DD

Outcome of Children's Aid Society Investigation:

Abuse Confirmed:

Abuse Not Confirmed:

Other:

Specify: _____

Comments: _____

Current Status and Children's Aid Society Involvement:

Date:

_____|_____|_____
YY MM DD

Principal _____

THIS FORM IS TO BE ATTACHED TO THE INITIAL REPORT IF USED

*** This form is discretionary and developed as a support document. It may be used by the principal for follow-up and tracking purposes.**