



SECTION:	Student Management and Welfare	APPROVAL DATE:
SUBSECTION:	Student Welfare	May 1, 2000
POLICY NAME:	Child Abuse and Protection	LAST REVISED:
POLICY NUMBER:	R.SMW.G.1	September 2, 2003

A. PREAMBLE

1. The Wellington Catholic District School Board strives to foster a strong sense of Catholic Community encompassing home, school and parish and emphasizes love, compassion and understanding thus proclaiming the Good News of Jesus Christ.
2. Recognizing that each person is created and loved by God, we believe that it is necessary that the dignity of the individual be affirmed and that all entrusted to our care be treated with respect and understanding.
3. To this end, and in order to fulfill our legal responsibility with regard to suspected child abuse and children in need of protection, the following procedures have been established.

NOTE:

1. All references in this document to The Child and Family Services Act, 2000 as amended, (referred to in these Regulations as "CFSA") are provided for information. Readers are directed to the indicated section of the Act for the actual wording.

B. WHO IS A CHILD?

1. A child is defined as a person who is actually or apparently under the age of 16, or a person who is actually or apparently 16 or 17 years of age and subject to court order under CFSA. [s. 37(2)(a) of CFSA]
2. In determining whether a child is subject to a court order under the Child and Family Services Act, contact with Family and Children's Services (F&CS) will be necessary
3. A child is defined in Federal law as a person under eighteen years of age.

C. WHAT CONSTITUTES "ABUSE" OR "IN NEED OF PROTECTION" FOR THE PURPOSE OF PROFESSIONAL REPORTING?

The child suffers abuse or is in need of protection in any of the following circumstances:

1. a) the child has suffered or there is a risk the child will suffer physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's
 - i) failure to care for, provide for, supervise or protect the child,
 - ii) pattern of neglect in caring for, providing for, supervising or protecting the child
- b) the child has been or there is a risk the child will 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:

- i) knows or should know of the possibility of sexual molestation or sexual exploitation, and
- ii) 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:
 - i) does not provide the treatment,
 - ii) refuses to provide the treatment,
 - iii) is unavailable to consent to treatment, or
 - iv) is unable to consent to treatment;
- d) the child has suffered or there is a risk the child is likely to suffer emotional harm, demonstrated by serious anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development, and
 - i) 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.
 - ii) there is a risk the child is likely to suffer emotional harm and the child's parent or the person having charge of the child:
 - a) does not provide services or treatment to remedy or alleviate the harm,
 - b) refuses services or treatment to prevent the harm
 - c) is unavailable to consent to services or treatment,
 - d) is unable to consent to services or treatment to prevent the harm;
- e) 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
- f) 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.
- g) 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 treatments.
- h) The child is less than 12 years old and has on more than one occasion injured another person or caused serious 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.

D. EDUCATION AND TRAINING

1. Present Employees
 - a) It is the responsibility of the Superintendent of Education to ensure the implementation of on-going in-service programs for staff.
 - b) This training as practical should extend to staff and volunteers involved in Continuing Education programs.
 - c) Training in the detection of abuse and in the provision of support to the abused child shall be provided by the principal in consultation with the appropriate agencies.
2. Prevention - Educational Programming
 - a) Child Abuse Prevention Curriculum, within the Wellington Catholic District School Board, is delivered in association with our Family Life Education Program, Fully Alive.
 - b) The purpose of these additional lessons is to promote an understanding of what child abuse is, to identify strategies for personal safety and to encourage the disclosure and reporting of suspected cases of child abuse.

- c) Personal Safety and Injury Prevention are included as overall and specific expectations in the Healthy Living strand of The Ontario Curriculum Grades 1-8 Health and Physical Education at all grade levels.
 - d) The teaching of specific lessons are required in Grades 1,3,5 and 7. These lessons are integrated into various themes of the Fully Alive program.
 - e) Parents are recognized as the primary educators and are kept informed about the topics and activities associated with the Religion and Family Life Program. School Councils may consider holding a parent information session.
 - f) The program incorporates materials from the "Feeling Yes, Feeling No" program produced by the National Film Board of Canada.
3. Indicators of child abuse are found in the Appendix to this policy.

E. PREVENTION AND DETERRENCE OF CHILD ABUSE

- 1. All employees will be required to provide Criminal Background Checks and Offence Declarations per policy Criminal Reference Checks.
- 2. Volunteers and Others
 - a) Adequate supervision of all volunteers shall be provided by the school principal or designate. (Refer to P.GSA.E.9)
 - b) Volunteers, with unsupervised access to students should be informed that reference checks and criminal background checks are a matter of policy with the Board.
- 3. Since abuse, by its nature, is determined to be a violent act, prevention activities and consequences for students as outlined in the "Violence in Schools Policy and Regulations" will be enacted. (Refer to P.GSA.E.3)
- 4. Personnel: Hiring and References
 - a) The Board will take reasonable measures to ensure that a prospective employee does not have the propensity to abuse children. This involves a meaningful screening process prior to the offering of employment and includes a written record of reference check inquiries. (See policy 'Criminal Reference Checks')
 - b) Additionally, for applicants to teaching positions, verification must be made that the applicant is in good standing with the Ontario College of Teachers.

F. RESPONSIBILITY TO REPORT SUSPECTED INCIDENCES OF CHILD ABUSE OR CHILDREN IN NEED OF PROTECTION

- 1. Professionals have the same duty as any member of the public to report a child's need for protection. However, the Family and Children Services Act recognizes that persons working closely with children have a special awareness of children who may be in an abuse situation. Teachers are among those helping professionals who, because they are "in care of" children on a daily basis, have a unique opportunity to observe the effects of abuse or neglect. Therefore, every person who performs professional or official duties, with respect to a child, (including a "teacher") is specifically referred to in the Act as having an obligation to report immediately.
- 2. An employee of the Wellington Catholic District School Board, who in the course of his or her professional or official duties, has reasonable grounds to suspect that a child (as described in (a) above); is being or has been abused, or that there is a risk that a child is in need of protection, must immediately notify F&CS or the police if the child's age is beyond that of the responsibility for F&CS.

3. The professional's legal obligation to report child abuse and children in need of protection, takes precedence over any other statutory obligation, including obligations found in the Teaching Profession Act and the Regulations made thereunder. The professional must comply with the reporting law even though the reported information may be confidential or privileged. All Federation members are reminded of their duties to other members as described in s. 18 (1). S. 72 (3)
4. A person who has a duty to report a matter shall make the report directly to the society and shall not rely on any other person to report on his or her behalf. s.72 (1,2,3)
5. The duty to report is an ongoing duty. Where additional reasonable grounds arise to suspect abuse, or a child in need of protection, professionals must report their suspicions in addition to any previous reports. s.72 (2)
6. The professional duty to report includes, but is not limited to, the following persons: [CFSA S.72(4)]
 - a) Health Care Professionals, including Physicians, Nurses, Dentists, Pharmacists and Psychologists
 - b) Teachers, and School Principals, Social Workers, Guidance Counsellors, Administrative Staff, Chaplains, Secretaries
 - c) Educational Assistants, Child and Youth Care Workers, Bus Drivers, Custodians and other Board employees who care for children on a daily basis
 - d) Priests
 - e) Social Workers and Family Counsellors
 - f) Youth and Recreation Workers
 - g) Service Providers or Employees of a Service Provider
 - h) Operators or Employees of a Day Nursery
 - i) Peace Officers
7. Penalty for Failure to Report [CFSA s.72 (4-6)]

The Board, through its administration, shall periodically update employees and volunteers on the following:

 - a) Failure to report one's suspicion of child abuse or any of the grounds for protection constitutes an offence under the Child and Family Services Act. Any professional who fails to report his/her suspicion of child abuse is liable on conviction to a fine of up to \$1,000.00.
 - b) The failure of an employee to comply with the reporting requirements of CFSA and/or with the Board's reporting requirements under these regulations shall be investigated by the appropriate Superintendent.
 - c) Employees who allegedly fail to comply with these reporting requirements will be referred to the Director of Education.
 - d) Under the Professional Misconduct Regulation passed by the Ontario College of Teachers, failure to report may lead to a finding of professional misconduct by the College.
 - e) The staff member who has the suspicion retains primary responsibility for reporting and may not delegate the reporting to any other person.
8. Protection from Liability [CFSA s.72 (7)]

Should civil action be brought against a person who made a report, the person will be protected unless the person acted maliciously or without reasonable grounds for the belief or suspicion. Subject to the coverage provisions of its insurer, the Board will provide legal services, through its insurer, for an employee facing such a civil action.

G. THE REPORTING PROCESS REGARDING SUSPICIONS, DISCLOSURES and ALLEGATIONS OF CHILD ABUSE

Everyone in Ontario is required by law to report immediately his/her belief that a child is or may be in need of protection.

1. Students Under 16 Years of Age:

- a) when a decision has been reached to report to Family and Children's Services, the employee making the referral shall immediately share information from the action form with Family and Children's Services at:

GUELPH.....	824-2410	(1-800-265-8300)
FERGUS Shared Services....	843-6191*	

*If there is no answer at the branch office, telephone the main office at 824-2410 (1-800-265-8300) where an intake worker is available on a 24 hour basis.

- b) The principal shall submit a copy of the student action form to the appropriate superintendent.

2. Students 16 Years and Older

- a) In the case of information as to the abuse of a person while that person was a child (Section B), the obligation to report continues as if the person were still a child.
- b) In the case of students who are 16 - 18 years of age, it must be determined, before any referral is made, as to whether or not the student is subject to an order under the Child and Family Services Act.
- c) In the case of students who are 16 - 18 years of age and who are subject to an order under the Child and Family Services Act, the Inquiry Procedure (Section F) and Reporting Procedure (Section G) as outlined for students under the age of 16 should be followed.
- d) In the case of students who are 16 years of age or older and who are not subject to an order under the Child and Family Services Act, abuse is treated as a situation of assault and should be reported to the local Police Services. Parents need to be informed of this disclosure. This should be done, where reasonable, with the youth's knowledge, consent and co-operation.

H. INTERVENTION REGARDING SUSPICIONS, DISCLOSURES and ALLEGATIONS OF CHILD ABUSE OR CHILDREN IN NEED OF PROTECTION

The following process shall be used:

- a) The employee must immediately share information and concerns regarding his/her suspicion of child abuse with the principal.
- b) the employee and principal may seek further clarification if the employee is unsure about whether or not they have "reasonable grounds" to make a report. This may include:
- i) consulting Family and Children's Services on a hypothetical basis,
 - ii) referring to the list of Indicators of Child Abuse and Child in Need of Protection(see Appendix);
 - iii) consultation with the school Social Worker, Classroom Teacher, Guidance, Child & Youth Care Workers, Chaplain, Special Education Resource Teachers, Attendance and Counselling Services.
- c) the employee shall complete the student action form, signed by the principal.
- d) if a mutual decision to monitor the situation has been reached, the principal and teacher/employee and, the school social worker, will arrange a meeting to review the concerns and decide upon further action.

I. NECESSARY ASPECTS OF COMMUNICATION WITH A CHILD DISCLOSING ABUSE

If a child reports that he or she has suffered, is suffering or risks suffering child abuse, the undernoted procedures should be followed:

1. Attentive Listening
2. Acceptance and Reassurance
3. Support
4. Affirmation
5. Referral
6. Follow-up

1. ATTENTIVE LISTENING

- a) Go with the child to a quiet place.
- b) Ask the child to tell you what happened in his/her own words.
- c) Give no indication that you may not believe what he/she is saying. Any evidence of disbelief contributes to the trauma of the assault.
- d) Do not agree to "keep the secret". Doing so will place you in the dilemma of
 - i) following the dictates of the reporting laws and betraying the child's confidence or
 - ii) ignoring the law and remaining silent while knowing that the abuse is continuing.

Inform the child that in order to stop the abuse you must report it.

2. ACCEPTANCE AND REASSURANCE

- a) Let the child know that you believe the information he or she has given is of an important nature.
- b) Inform the child that you know that the fault is not his or hers.
- c) Let the child know that you regret what has happened to him/her.
- d) Inform the child that you are glad he/she has disclosed what has happened.
- e) Reassure the child that you will help him/her to obtain the help needed.

3. SUPPORT

- a) Support the child for disclosing the abuse. It is not your responsibility to determine the validity of the disclosure.
- b) Permanent physical damage as a result of abuse is rare. The child's emotional recovery will depend, to a great degree, on the support he or she receives from people in his or her everyday life.

4. AFFIRMATION

- a) Affirm whatever feelings the child expresses.
- b) Avoid telling the child how he/she should feel.
- c) Avoid the "who done it" approach.
- d) Avoid asking "why" questions.
- e) Avoid projecting your reactions to the situation onto the child.

5. PROCEDURE FOR REFERRAL OF CHILD'S DISCLOSURE

A written record, detailing the actual words spoken by the child, should be created for any disclosure. Do not try to interpret what the child said in your own words. The recording should be done discretely and verbatim and should not interrupt the disclosure by the child.

Note: It is important to understand that children often "recant" or deny having been abused even after they have disclosed to an adult and steps have been taken to bring the case to court. They do so because they feel guilty about causing trouble for the offender or because they have been threatened by the offender and are afraid of the consequences of telling. Your recording of the information at the time when the child disclosed can be a very important step in the investigative process.

6. FOLLOW UP AFTER A CHILD'S DISCLOSURE OF ABUSE INVOLVES THE FOLLOWING PROCEDURES.

Support for a child in your class or group:

- a) reassure the child that he/she is okay
- b) be consistent and predictable
- c) follow a regular classroom structure which will provide a stable environment
- d) improve his/her self-concept through praise and acknowledgment of his/her behaviour and work
- e) encourage him/her to express feelings
- f) you may notice changes in the child's behaviour after the disclosure; continue to support the child
- g) continue liaison with the worker from the Family and Children's Services for guidance in providing support
- h) document the follow-up activities/observations (date, time, behaviour, support given).

J. INVESTIGATION

1. When Family and Children's Services receives an allegation of abuse, the investigating social worker shall consult with the appropriate police force to jointly plan the investigation process. This is an internal requirement of Family and Children's Services - Police Protocol for conducting the investigation of abuse cases.
2. At the discretion of Family and Children's Services and the Police, the initial interview of the alleged child victim may be conducted by a Family and Children's Services social worker, or a police officer, or by a team of both.
3. Access to the Child
 - a) The requirements of Section 72 of The Child and Family Services Act (2000) take precedence over existing legislation and school policies which prohibit involvement with the child by the police or other professionals without prior parental consent.
 - b) Parental/Guardian consent is not a requirement to interview the child in cases of abuse investigations and, in fact, parental involvement before seeing the child might jeopardize F&CS and police investigative process and diminish efforts to protect the child.
 - c) Consideration should be given to the use of a support person for student complainants, during interviews or when the student is otherwise in need of support.
 - d) Measures should be taken to ensure the confidentiality of students or informants in cases of alleged sexual abuse.
4. Investigation on School Premises
 - a) The investigation of child abuse on school premises should occur only when the safety of the child is the primary reason.
 - b) There are four situations where access to the child at school will or may be necessary in abuse investigations.
 - i) Where intrafamilial abuse is disclosed at school and reported by school personnel to Family and Children's Services,
 - ii) Where extrafamilial abuse is disclosed at school and reported by school personnel to the Family and Children's Services,
 - iii) Where abuse by a person outside the school is alleged and reported to the Family and Children's Services,
 - iv) Where the abuse disclosure/allegation involves a school board employee as the alleged offender, and the Family and Children's Services/Police team decide that it is appropriate to interview the child at the school .

- c) In situations where the alleged abuse is made by a person outside the school, and the Family and Children's Services/Police Team decide to interview the child at the school, the principal or designate will be notified in advance of the investigator(s) arriving at the school.
 - d) In the absence of the parent or guardian the principal or designate, should be present at the interview when it is the wish of the child unless the interviewer(s) confirm(s) that such attendance would not be in the best interests of the child.
 - e) When the offender identified in a disclosure is a member of the family of the child-victim, in no case shall the principal notify the alleged victim's parent or guardian of the interview of the child unless such notification is approved in advance by the family and children's services assigned social worker/investigator.
 - f) Where the offender identified in a disclosure is someone other than the parent or guardian of the alleged victim, the principal shall discuss the situation with the Superintendent before exercising his discretion to notify the alleged victim's parent or guardian of the interview of the child. In appropriate circumstances, the principal's statutory duty to care for pupil's health will permit him/her to notify the alleged victim's parent or guardian, in the absence of advance approval by the Family and Children's Services assigned social worker/investigator.
5. Follow-Up:
- a) Where permitted by the confidentiality provisions of the CFSA and/or when agreed to in writing by the parents, F&CS and the school may share such information as is necessary for the ongoing care and well being of the child.
This may include information re:
 - The family and the plan for the family.
 - The new residence of the child if the child has been taken into care (and the expected length of time in care).
 - The school may be asked to monitor the child for signs of further need of protection, or other significant difficulties, that may be occurring at home or at school.
 - Ultimately it is the responsibility of F&CS to assess risk to a child. F&CS will work with the school in an attempt to meet the needs of the whole child.
When F&CS decides to close the case, it will inform the school of that decision.
 - b) The investigator(s) should, where consent is granted by the parent, provide to the principal sufficient information, as the investigation progresses to its conclusion, to enable school personnel to support the child and to continue the ongoing relationship between home and school.
 - c) The principal shall record on-going contact with outside agencies on Student Action Form.

K. POST INVESTIGATION PROCEDURES

- a) The fact that an employee may be charged with an offence under the Criminal Code of Canada with respect to conduct towards a pupil, or the fact that an employee, if charged, is acquitted or that criminal charges if laid are dismissed or stayed shall not preclude the Board from taking disciplinary action against the individual.
- b) If the alleged abuser is charged pursuant to the Criminal Code, and the Board is satisfied that there is no reason to suspect that the offence occurred, the employee shall be reassigned to previous responsibilities unless circumstances require that the employee be reassigned to a different work location in both the interests of the employee and the interests of the efficient and harmonious functioning of the school.
- c) An employee or student who makes a false or malicious allegation against an employee of the Wellington Catholic District School Board will be subject to disciplinary action at the discretion of the Director.

L. INTERNAL ALLEGATIONS

- 1. Reporting

- a) Allegations made against a staff member of the Wellington Catholic District School Board by a student, by the parent/guardian of a student, or by another employee will be reported as they would be for any other individual. The individual who suspects abuse will follow the reporting procedures as outlined in Section G.
- b) The principal upon receipt of the report will immediately inform the superintendent of the alleged offence.
- c) If it is deemed inappropriate or impossible to advise the principal, the individual who suspects abuse shall immediately inform the superintendent.
- d) The principal, designate or superintendent of the employee must not under any circumstances, attempt to question the alleged offender until after the investigation is completed by Family and Children's Services and the Police.

M. EMPLOYEES SUBJECT TO AN ALLEGATION OF ABUSE

1. When an employee is subject to an allegation which is not frivolous, the employee will be removed from direct unsupervised contact with students, or suspended with pay, until the charge is resolved.

N. REPORTING TO THE COLLEGE OF TEACHERS

1. When a teacher is subject to an allegation which is not frivolous, the Board will promptly notify the College of Teachers in writing of the allegation.
2. The Board will promptly inform the College in writing when a teacher is disciplined because of an offense, or when the member resigns in the midst of an investigation regarding an offence.
3. The Board will promptly inform the College in writing when a teacher has been convicted of an offence which involves offensive conduct of a sexual nature which may affect the personal integrity or security of any student or the school environment.

O. INQUIRIES FROM PROSPECTIVE EMPLOYERS

1. No letter of reference should be provided for an employee who has abused.
2. Inquiries about the circumstances of a resignation or dismissal from prospective employers must be answered honestly, frankly and fully. This includes situations where an allegation of abuse is received but is not proven, and the matter is dropped when the employee resigns, the Board has an obligation to indicate that this employee resigned when an allegation of abuse was pending.