



POLICY

POLICY SECTION	POLICY NAME Child Abuse Reporting	POLICY SECTION
SUBSECTION	RESPONSIBILITY COO	APPROVED BY CEO
EFFECTIVE/REVISED DATE	LAST DATE REVIEWED: November, 2020	NEXT REVIEW DATE November, 2021

POLICY

The Child, Youth and Family Services Act (CYFSA) provides for a broad range of services for families and children, including children who are, have been or may be victims of child abuse and/or neglect. The paramount purpose of the Act is to promote the best interests, protection and well-being of children.

The Act (s. 125 (1)) recognizes that each of us has a responsibility for the welfare of children. It states clearly that members of the public, including professionals who work with children, have an obligation to report promptly to a Children's Aid Society (CAS) if they suspect that a child is or may be in need of protection.

The Act defines the term child "in need of protection" and sets out what must be reported to a Children's Aid Society. The definitions of a child in need of protection include physical, sexual and emotional harm, neglect and the risk of such harm.

Duty to Report

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.

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 Children's Aid Society.

The situations that must be reported are set out in the CYFSA as follows:

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 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 abused 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 abused 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 under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.
- 6. The child has suffered emotional harm, demonstrated by serious,
 - 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 actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
- 7. The child has suffered emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm.
- 8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 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 6 i, ii, iii, iv or v and the child's parent or the person having charge of the

child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to prevent the harm

10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition

11. The child 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 younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to treatment.

13. The child is 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.

Youth in Custody, Court Holding Cells and Police Transport

Youth complaints about treatment while in court holding cells or in the care of police during transport must be reported to a Children's Aid Society and to the local police department for investigation, for youth under 16 years. For youth 16 years and over, complaints about treatment while in court holding cells or in the care of police during transport must be reported to the local police department, with or without the youth's consent, and the police occurrence number recorded in the youth's file/incident report. All verbal and/or written allegations of abuse or suspected abuse dealing with youth over the age of sixteen, with or without the youth's consent, must be reported to the local police department and a police occurrence number recorded in the client's record and in an incident report.

Ongoing Duty to Report

Under CYFSA s. 125 (2) 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.

Requirement to Report Directly

Under CYFSA s. 125 (3), the person who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a Children's Aid Society. The person must not rely on anyone else to report on their behalf.

Duty to Report Does Not Apply to Older Children

CYFSA 125 s.(4) s (1) and (2) do not apply in respect of a child who is 16 or 17, but a person may make a report under s (1) or (2) in respect of a child who is 16 or 17 if either a circumstance or condition described in paragraphs 1 to 11 of s (1) or a prescribed circumstance or condition exists.

Reasonable Grounds

The person making the report does 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 judgement, would suspect.

Special Responsibilities of Professionals and Officials and Penalty for Failure to Report Under CYFSA s. 72(4) and (6.2), professional persons and officials have the same duty as any member of the public to report a suspicion that a child is in need of protection.

The Act recognizes, however, that persons working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions, and so makes it an offence to fail to report.

Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or other duties, is liable on conviction to a fine of up to \$50,000, imprisonment, or both.

Professionals Affected

For example, under CYFSA s.125 (6) persons who perform professional or official duties with respect to children include but are not limited to the following:

- health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- teachers, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, youth and recreation worker, and operator or employee of a child care centre or home child care agency or provider of licensed child care within the meaning of the Child Care and Early Years Act, 2014;
- social workers and family counsellors;



- clergy religious official;
- operators or employees of day nurseries/child care centre/home child care agency;
- a mediator and an arbitrator;
- youth and recreation workers (not volunteers);
- peace officers and coroners;
- a lawyer;
- service providers and employees of service providers, and
- any other person who performs professional or official duties with respect to a child.

Individuals who are not sure whether they may be considered to be a professional for purposes of the duty to report should contact a local Children's Aid Society, professional association or regulatory body for clarification.

INTERVENTION:

Any staff member, student, volunteer, or person acting on behalf of the Centre to whom a child alleges abuse or who has reasonable grounds to suspect that a child will suffer, may be suffering, or may have suffered abuse or neglect will:

Children who:

1. Ask only enough questions to determine reasonable suspicion of abuse or neglect and ascertain the facts (who, when, where, how). Ask open-ended questions. Stay calm. Do not deny allegation or minimize it. Be understanding and offer reassurance. Use language that a child can understand.
2. If there is reasonable suspicion of abuse or neglect, a report to the appropriate Child Welfare agency must be made immediately. This report can be made to the intake worker, emergency after hours worker, or to the ongoing worker if one has been previously assigned.
3. Provide all information upon which the report is based, and such identifying information as is necessary for the C.A.S. to conduct their investigation. C.A.S. may decide to involve the police in their investigation.
4. Act as advocate for the child to the person(s) receiving the information, (e.g., requesting a prompt response), as the child may be experiencing considerable anxiety.
 - i) Discuss and formulate an immediate plan with the child welfare representative.

In the discussion, review:



- the place and time of disclosure;
- the age and development of the child;
- whether the child needs to be separated from the parent or adult who is charged with her/his care at that time or if s/he is with a supportive adult. If the child needs to be separated, identify a comfortable, safe and supportive location for the child to wait;
- any concerns regarding the child's safety following the disclosure;
- factors that may lead the child to recant or deny his/her allegation;
- what, if any, information can be given to the child and/or parent or person having charge of the child regarding the next steps. This can include:
 - whether the relevant person(s) can be informed that an allegation of suspicion of abuse or abuse has been reported to a child welfare agency;
 - further investigation will take place;
 - who will conduct this investigation;
 - the time frame for the investigation, and
 - whether the child can be released to the parent or person having care of the child. This is often dependent on the nature and circumstance of the allegation, the relationship with the alleged abuser and his/her access to the child. It is the role of the CAS to escort the child home and meet with the parents. The difference between the Centre's role (treatment and the Children's Aid role (protection) needs to be clear to the parents.

ii) if possible, negotiate a plan with the C.A.S. (and/or police) re:

- need for physical examination- notification of the parent(s) (C.A.S./police decision);
- gender of the investigating C.A.S. worker and police officer(s) (if significant to the child);
- place of the C.A.S./police interview with the child;
- timing of the investigation.

Professional Confidentiality

The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official.

The professional must report a suspicion that a child is or may be in need of protection even when the information is otherwise supposed to be confidential or privileged. The only exception for "privileged" information is the relationship between a solicitor and a client.



Section Overrides Privilege; Protection From Liability

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.

Child Protection Response

Children's Aid Society workers have the responsibility and the authority to investigate allegations of abuse and/or neglect and to provide service to protect children. A Children's Aid Society worker may, as part of the investigation and plan to protect and help the child, involve the police and other community agencies.

PROCEDURE:

When information is received from a client and/or their family, which leads a worker to suspect that a child residing in the community is or may be in need of protection, the worker immediately:

- reports the suspicion of abuse/neglect to the local Children's Aid Society;
- notifies a Supervisor or (if the direct Supervisor is not available), the On-Call Supervisor of the suspicion;
- records all information pertaining to the suspicion and/or allegations, and
- forwards the report to the Supervisor, Manager, Director and Chief Executive Officer or designate as needed.

The Manager/Director and/or Supervisor:

- clarifies that the worker who received the information regarding the child in need of protection has reported the suspicion and/or allegation directly and immediately to a local Children's Aid Society;
- when appropriate ensures that a Serious Occurrence Report is completed and submitted within the required time frames to the appropriate Ministry (See Serious Occurrence Reporting), and
- supports the investigation of the suspicion and/or allegation by the local Children's Aid Society wherever possible.

The worker provides the following information in making a report to the Children's Aid Society regarding a suspicion that a child may be in need of protection where available:

- the child's name, age, sex or gender identity, address, phone number and guardianship details;
- the names and addresses of any caregivers;
- the nature of the suspicion and/or allegation including documented information and related behavioural indicators observed;
- information about other children in the home or family (who may also be at risk) including their names, ages and addresses;



- the name, professional address, phone number and professional duties of the staff member reporting the suspicion and the context in which the information became known;
- whether the child's parents/guardians/caregivers are aware of the report being made and their reactions;
- an opinion as to the urgency of the situation in terms of the child's physical and/or emotional safety and,
- the names and addresses and telephone numbers of other possible witnesses or persons having relevant information.

The worker seeks advice from the local Children's Aid Society about notification of family members regarding the suspicion and/or allegation.

Staff Allegation

Within the context of providing service, concerns may arise which implicate Centre staff. If these concerns provide reasonable grounds to suspect that a Centre staff member may have been responsible for the abuse and/or neglect of a child in receipt of service, the procedure described above is followed. If it is not clear whether or not these concerns provide such reasonable grounds to suspect abuse and/or neglect, the Supervisor, Manager/Director and/or local Children's Aid Society is consulted. In any situation where Centre staff receive information that would lead them to suspect that a child has been abused, or in the case where a child directly alleges that they have been abused by an employee of the Centre, the worker immediately:

- reports the suspicion of abuse/neglect to the local Children's Aid Society;
- notifies a Supervisor or (if the direct Supervisor is not available) the On-Call Supervisor of the suspicion;
- records all information pertaining to the suspicion and/or allegations, and
- forwards the report to the Supervisor/Manager and Director.

The Director, Manager and/or Supervisor:

- ensures that there is no further contact between the client/participant and the staff person until the CAS investigation takes place and has been resolved;

NOTE: When the Centre receives complaints or allegations against staff including elect to work staff, the staff person against whom the complaints or allegations are made is not able to work in any of the Centre's programs and is encouraged not to have contact with other staff until the issues are investigated and resolved, in order not to interfere with the investigation. This practice is intended to safeguard the Centre's clients/participants, to protect staff from further allegations while an investigation is underway, and to protect the interests of the Centre.

Where the involved staff is an elect to work staff, they are advised of the matter and that they will not be called for shifts at the Centre until the matter is resolved.

Where the involved staff is not an elect to work staff, the staff is advised that an allegation has been made and reassigned to other work within the Centre where they



will not have direct contact with Centre clients/participants, as available (e.g. focus on recording, paper work) until the matter is resolved. Depending on the nature of the complaint or allegation, the Centre reserves the right to have the staff work from home during the investigation.

The role of Human Resources/ agency designate is to provide support to the involved worker until the matter is resolved:

- clarifies that the worker who received the information regarding the client/participant in need of protection has reported the suspicion and/or allegation directly and immediately to a local Children's Aid Society;
- ensures that a Serious Occurrence Report is completed and submitted within the required time frames to the appropriate Ministry (See Serious Occurrence Reporting);
- facilitates the investigation of the suspicion and/or allegation by the local Children's Aid Society wherever possible, and
- advises the Chief Executive Officer or chief Operating Officer of the incident and actions taken regarding the client/participant and involved staff.

The worker provides the following information in making a report to the Children's Aid Society regarding a suspicion that a child may be in need of protection where available:

- the child's name, age, sex or gender identity, address, phone number and guardianship details;
- the names and addresses of any caregivers;
- the nature of the suspicion and/or allegation including documented information and related behavioural indicators observed;
- information about other children in the home or family (who may also be at risk) including their names, ages and addresses;
- the name, professional address, phone number and professional duties of the staff member reporting the suspicion and the context in which the information became known;
- whether the child's parents/guardians/caregivers are aware of the report being made and their reactions;
- an opinion as to the urgency of the situation in terms of the child's physical and/or emotional safety, and
- the names and addresses and telephone numbers of other possible witnesses or persons having relevant information.

The Director/Manager/Supervisor and worker seek advice from the local Children's Aid Society about notification of family members regarding the suspicion and/or allegation.

The Director, Manager and/or Supervisor:

- meets or speaks with the staff person involved in the allegation on the next working day to determine next steps in the process and to ensure that the staff person is supported during the investigation where applicable;

NOTE: Where an elect to work staff is involved, the staff is advised that the Centre will not be calling them for shifts at the Centre until the matter is resolved.



Where a non-elect to work staff is involved, the staff is advised that they are not to have direct contact with Centre clients/participants during the period of the investigation (e.g. reassigned to focus on recordings, paper work) until the matter is investigated and resolved.

- ensures that Human Resources is aware of the situation so that, where appropriate, they can assume a lead role in providing support to the staff person on behalf of the Centre;

NOTE: Where appropriate an alternative lead will be designated by the Director, Manager, or Supervisor. An internal review into the matter does not precede the CAS and/or Police investigation. Once the client/participant has made an allegation and it has been reported to the CAS, the client/participant should not be questioned further about the incident by Centre staff.

Once a formal report to the local Children's Aid Society has been made, the investigating CAS and/or Police will assume responsibility for conducting the investigation. Once a report of abuse has been made, the investigation will begin as soon as possible and will occur at CAS's discretion. The CAS will determine the location of the initial contact with the client/participant. If the interview occurs at a LUMENUS site, the Centre will provide private space for any interviews.

The CAS and/or Police will determine:

- who will be part of the investigative process;
- when and how contact with the staff person about whom the allegations have been made will occur.

The CAS and/or Police may request the person to whom the client/participant disclosed or another supportive person may be requested to attend a part or all of the initial interview with the youth to validate the youth's statement.

The Chief Executive Officer, or designate, will ensure that regular contact occurs with CAS in order to stay apprised of the investigation process, including assessment of the safety of the youth and possible planning recommendations.

The Centre may be asked to monitor the youth for any signs of further abuse, emotional upheaval or other indications that the youth may be at risk.

The Chief Executive Officer, or designate, will ensure that regular contact occurs with CAS to ensure that the Centre is notified, as soon as possible, regarding the investigation findings so that appropriate action can be taken with respect to the staff involved (e.g. reinstate, train, discipline, dismiss).

The CAS will provide a written report regarding the investigation findings addressed to the Chief Executive Officer of the Centre.

The CAS and the Centre will work collaboratively to support the youth in any follow-up Service Plans.



Once the CAS has shared its findings and recommendations with the Centre, the Chief Executive Officer and/or Chief Operating Officer , in consultation with the Director, will determine if there are unanswered questions and whether the Centre should initiate its own internal review or investigation of the situation to understand the incident, ascertain what might have been done to prevent same, understand what changes/clarifications are required in Centre policies and practices, identify staff or supervisor training needs, identify any disciplinary actions that need to be taken to reinforce the seriousness of the incident, etc.

