

**THE PROTESTANT SEPARATE SCHOOL BOARD  
OF THE TOWN OF PENETANGUISHENE**

**POLICY MANUAL**

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**POLICY TITLE:**

**Child Abuse and Protection of Students**

**SECTION/CODE:**

**School Operations D-37**

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**APPROVAL DATE:**

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**1.0 POLICY STATEMENT**

The Protestant Separate School Board of the Town of Penetanguishene (PSSBP) recognizes all children have the right to be protected. All Board employees and volunteers have a vital role to play in the identification and prevention of child abuse, and the Board expects all staff and volunteers will act in a sensitive manner with all individuals involved.

**2.0 PURPOSE**

To inform all employees and volunteers of the PSSBP of the procedures for reporting circumstances (which come to their attention during the course of their employment or volunteer activities) which prompt them to believe a child is or may be in need of protection.

**References:**

Child, Youth and Family Services Act, R.S.O. 2017

PPM 9 Duty to Report Children in Need of Protection

Duty to Report - OCT Professional Advisory

[https://www.oct.ca/resources/advisories/duty-to-report?sc\\_lang=en](https://www.oct.ca/resources/advisories/duty-to-report?sc_lang=en)

**2.0 ADMINISTRATIVE PROCEDURES:**

**1.0 REQUIREMENTS**

- a. The Child, Youth and Family Services Act and the Criminal Code of Canada supersede all other Acts, existing legislation or policies that govern PSSBP employees and volunteers in matters pertaining to child abuse and the protection of students.
- b. Two child protection services operate within Simcoe County: Simcoe Muskoka Family Connexions (SMFC) and Dnaagdawenmag Binnoojiiyag Child and Family Services (DBCFS). In this document they will be referred to as Child Protective Services (CPS).
  - DBCFS is responsible for child protection services as they pertain to Indigenous (First Nations, Inuit and Métis) children and families.

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- SMFC is responsible for child protection services as they pertain to all other children and families.
- c. The principal and/or designate shall annually review the reporting requirements of this policy in accordance with the Child Youth and Family Services Act (2017) with all employees during a staff meeting in September of each new school year.

It is the responsibility of the Principal and/or designate of the school that all volunteers shall receive information on this policy

## **2.0 DUTY TO REPORT**

### **Who Must Report**

- a. The duty to report applies to everyone, including a person who performs professional or official duties with respect to children. All school personnel have the duty to report when there are reasonable grounds to suspect that a child has suffered, or there is a risk that a child is likely to suffer abuse or neglect.
- b. Ongoing Duty to Report 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 the Child Protective Services (CPS).

### **Duty to Report Directly**

- c. 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 the Child Protective Services. The person must not rely on anyone else to report on their behalf.
- d. PROTECTION UNDER THE ACT The Child, Youth and Family Services Act Section 125 (10) provides that anyone who acts in good faith in reporting child abuse is protected from civil suit

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unless the giving of the information is done maliciously or without reasonable grounds to suspect that the information is true.

- e. For the purposes of this procedure, the definitions from the Child, Youth and Family Services Act, 2017 apply.

### **3.0 MAKING A REPORT**

- a. If a Board employee or volunteer has reasonable grounds to suspect that a child is or may be in need of protection, the person must immediately report the suspicion and the information upon which it is based to the Child Protection Services.
- b. Notify the Principal and Supervisory Officer or designate when the alleged offender is a staff member or volunteer.
- c. Keep a record of the call to CPS on the Record of Report to Child Protective Services (Appendix 3).

Note: Appendix 3 does not apply to Behaviour Analysts, Social Workers, Psychoeducational Consultants, Speech-Language Pathologists, or Child and Youth Counsellors with the Board when case notes are maintained. These staff will complete Appendix 4 - Record of Report to Children Protection Services. This form is completed and a copy is to be provided to the Principal

### **4.0 GENERAL INFORMATION:**

- a. A child in need of protection is a child who has suffered or is at risk of:
  - 1. physical or emotional harm or neglect; or
  - 2. being sexually molested or exploited, including by child pornography or sex trafficking.
- b. The Principal of the school where the child attends must also be informed that a report will be or has been made. All internal policies and protocols must be followed.

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- c. The referring employee, volunteer, Principal, supervisor and/or supervisory officer, if specifically requested by CPS, will provide additional information to aid in the determination of whether a child is in need of protection.
- d. The final determination of whether an investigation will result is the decision of the Child Protective Services.
- e. The anonymity of the referral source cannot be guaranteed. The Simcoe Family Connexions (CPS) will not mention the referral source unless needed through court, however, the family may be informed that the call came from the “school”. In order to fulfill the legal obligation to report, a caller must identify themselves to the CPS when making a referral.
- f. The PSSBP expects that teachers shall act in accordance with amendments to section 12.2 of the Teaching Professional Act which stipulates that a member (teacher) need not advise another member (another teacher) when making an adverse report of suspected child abuse by another member.
- g. The Supervisory Officer or designate shall report to the Ontario College of Teachers, any teacher currently or formerly employed by PSSBP who:
  - Has been charged with or convicted of sexual misconduct under the Criminal Code;
  - In addition to the above, and in the opinion of the PSSBP, poses a risk of harm or injury; or
  - In the opinion of the PSSBP, has engaged in conduct that should be reviewed by the Ontario College of Teachers.

**5.0 THE REPORT:**

- a. When making a report to Child Protective Services, the following information is required:
  - The sex, name, birth date(s), address(es) of the alleged victim(s), sibling(s), other potential victim(s).
  - The parent(s)/guardian(s) phone number both at home and at work, if applicable.
  - The name and phone number of emergency contact.

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- The relationship of the alleged victim(s) to the alleged offender and the names of the schools attended by sibling(s) and/or other potential child victim(s).
- The full name of the employee who reports the alleged incident and how they can be contacted.
- A clear description of the problem. Describe any injury or disclosure. Give both time and date of disclosure.
- A description of current behaviours of the student (e.g. frequent absences, lateness, change in attitude, peer group, etc.).
- Information regarding language and cultural differences to facilitate the investigation, including the need for an interpreter, if applicable.
- Recommendations on how to approach the family

**Procedure Used When Employee is the Alleged Offender:**

- a. The Report processes to the Child Protective Services detailed above remain the same.
- b. The Principal or Vice Principal will make contact with Child Protective Services (CPS). CPS will notify the Principal or Vice Principal if a file has been opened and the Principal or Vice Principal will immediately notify the Supervisory Officer or designate.

**The following process will apply:**

- The alleged offender will be assigned home with pay and will not have access to children or the workplace during the investigation. In cases where the complaint involves allegations or concerns of inadequate supervision of a child/youth, a missing or lost child/youth incident, the employee(s) may remain in the workplace and not assigned home, subject to the approval of the Supervisory Officer. Notwithstanding the decision not to assign the employee home, the Child Protection Services investigation will proceed accordingly.
- Supervisory Officer or designate will:
  - send the alleged offender confidential written confirmation regarding non-work status;
  - provide an absence code and project number where required;

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- make necessary arrangements re;; Ensure appropriate coverage
- determine whether a board investigation will occur at the conclusion, or in lieu of a Child Protection Services investigation; and
- send the employee written confidential confirmation regarding the outcome and/or any action required or to be taken as a result of the investigation.
- Child Protection Services will notify the Supervisory Officer or designate of the outcome of the investigation upon its conclusion.
- The Principal/Vice Principal will meet with the employee to notify them that a Child Protection complaint has been filed against them. The employee is told, at the discretion of the administrator, but it should be done as quickly and professionally as possible.

**6.0 THE MEETING:**

- a. Advise the employee that they may contact their union representative immediately following the meeting to provide representation throughout the investigative process.
- b. Proceed by telling the employee the nature or reason for the meeting [do not disclose student(s) name(s)] and while the investigation is underway, they will be assigned home with pay for non-disciplinary reasons.

When assigned home with pay, the employee:

- is not to have any contact with the student(s), parents/guardians or staff in PSSBP;
- should not discuss the allegations with anyone other than their Union Representative/counsel while the investigation is underway;
- will receive formal correspondence from the Board regarding the matter;
- may contact or remain in contact with their Union / Association President during the investigation; and
- will be informed that support is available through the employees health care benefits.

Casual or occasional employees are assigned home with pay for committed assignments only or in accordance with their collective agreement.

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c. Board Investigation

- Where the Supervisory Officer deems that a Board investigation must occur following the CPS investigation, or in lieu of a CPS investigation, one will be initiated.
- The Board investigation will be one that determines 'on the balance of probabilities' whether the alleged conduct occurred, for the purposes of making ongoing employment decisions. In some cases it may be necessary to use an outside consultant to conduct the investigation.

**Once a CPS complaint has been made against a staff member or volunteer, no staff member, volunteer or student will be questioned, nor shall any other inquiries be made until specific directions are received from the investigating Police or CPS/Police team, and the Supervisory Officer or designate.**

**7.0 SUSPECTED ABUSE BY STUDENTS (CPS Procedures above must also be followed for student victims under 18 years of age)**

- a. Burkevale will include, in its Student Code of Conduct, expectations for student behaviour (<https://www.pssbp.ca/burkevale/school-rules-and-code-of-behaviour>), as well as the possible courses of action and consequences deemed appropriate where a student has acted or may have acted in a manner which puts another child in need of protection.
- b. Where a complaint of abuse is made against a student or where circumstances occur which suggest that a student is an alleged offender, such a complaint must immediately be brought to the attention of the Principal or Vice Principal. The procedure followed to deal with the complaint or the circumstances will be those provided for under the Student Code of Conduct.

**8.0 RECORD KEEPING (Complete "Record of Report to CPS" Appendix 3 of this administrative procedure)\***

- a. To provide accurate information to the Police or CPS and to assist in the court process, staff and/or volunteers must document their knowledge of and involvement in the situation.
- b. The steps taken as a response to the suspicion of abuse must be recorded.
  - Keep a personal record of any report or consult and any other matters that are relevant.

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- The individual making the report should keep a written record of all information given to the Child Protective Services. This information must be maintained in a secure and confidential manner.
- The Principal is required to keep a record of the report in a secure and confidential location. A copy of the formal report must be given to the Principal within 48 hours and should include names.

- c. Behaviour Analysts, Psychoeducational Consultants, Social Workers, Speech and Language Pathologists and School Counsellors will maintain records with details of all CPS calls. A separate record (Appendix 4) detailing the date, nature of the incident, parties involved, and steps taken will be provided to the Principal.

- d. Court Proceedings

**Your notes may be subpoenaed to court as evidence.** Should notes be subpoenaed to court as evidence, retain a copy for your records. If you are subpoenaed as a witness, you are allowed to take a copy of your notes for reference.

- e. Confidentiality

**All records and information** concerning a reported case of suspected abuse or neglect of a child in need of protection shall be considered confidential and released only to the appropriate Child Protection Services at the request of the Supervisory Officer

## **9.0 ROLE and RESPONSIBILITIES DURING AN INVESTIGATION**

- a. The role of CPS is to investigate suspected child abuse and neglect. The Community Child Protection worker may attend the school and conduct interviews with the children. The Community Child Protection worker may decide to remove a child from the school and the Principal must allow the child to leave with the Community Child Protection worker. CPS may notify police and it may be determined that they jointly interview the children at school.
- b. Informing Parents/Guardians Informing the parents/guardians of the referral prior to CPS involvement may seriously jeopardize the investigation and may interfere with the protection of the child. **It is the obligation of the CPS to inform the parent(s)/guardian(s) of the referral.**



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**10.0 THE ROLE OF POLICE**

- a. In some instances the CPS will conduct joint interviews with police. While the role of the CPS is to determine if abuse had occurred, ensure the protection of the child and identify the initial treatment needs of the child, the role of the police is to determine if a criminal act has been committed and if charges will be laid under the Criminal Code against the alleged offender.

**11.0 THE ROLE OF THE SCHOOL**

- a. Once the call has been made to the CPS all Board employees/volunteers are required to cooperate fully with the CPS/Police Investigative Team.
- b. The Principal or designate, teacher, school resource staff/special services staff, shall be available to support the child through the CPS/Police interview, **if the child wishes**.
- c. When the Police/CPA Investigative Team members arrive at the school, ask to see identification and **retain business cards for reference purposes**.
- d. **The Child, Youth and Family Services Act takes precedence over existing legislation and school board policies**, which prohibit interference with the child by the Police or other professionals without prior parental consent.

**12.0 HOLDING CHILDREN AFTER SCHOOL**

- a. In some circumstances a child(ren) may need to be detained after school for the purpose of the investigation. Once directed to do so by CPS, it is the responsibility of the school to inform the parents/guardians the child(ren) will be detained. When this is necessary the Principal or designate will work in conjunction with the investigative team to determine the best approach with the paramount focus being the safety of the child(ren). Once the Community Child Protection worker has arrived at the school, they will assume full responsibility for the child(ren) and the communication with the parent/guardian.

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- b. In cases where a Community Child Protection worker or a Police Officer intends to remove the child(ren) temporarily from the school, the Principal must allow the child(ren) to leave with that person.

**Appendices**

Appendix 1 - Flow Chart – Reporting Procedures Student Under 18 Years of Age

Appendix 2 - Record of Report to Child Protective Services

Appendix 3 - Record of Report to Child Protective Services

(Professional Services Staff - Discipline Specific)

Appendix 4 - Parental Consent to allow CPS to Release Notes of Children's Interview

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Simcoe Muskoka Family Connexions (Child Protective Services, referred to throughout document as CPS)  
<https://familyconnexions.ca> 1-800-461-4236

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**Appendix 2**

**Record of Report to Child Protective Services (CPS)**

Child's Name: \_\_\_\_\_

Child's Address: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Gender: \_\_\_\_\_

Child's Parent/Caregiver Name/Telephone: \_\_\_\_\_

Emergency Contact Name/Telephone: \_\_\_\_\_

If more than one potential victim, please fill in for other potential victim(s) and/or sibling(s):

Please indicate if there are other potential victims: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Gender: \_\_\_\_\_

Address: \_\_\_\_\_

Parent/Caregiver Name/Telephone: \_\_\_\_\_

Emergency Contact Name/Telephone: \_\_\_\_\_

Present location of children who the concern is about: \_\_\_\_\_

Date of report to CPS: \_\_\_\_\_

CPS Contact Name and Phone Number: \_\_\_\_\_

Report to CPS by (print name): \_\_\_\_\_

(Note: Advising the Principal or designate does not absolve an employee of the legal responsibility to personally report to the Children's Aid Society)

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Signature

Position

Date

Date & Time of CPS Interview: \_\_\_\_\_

(Note: Ask for a CPS. Supervisor if you are uncomfortable with the action or direction of the C.A.S. worker)

Disclosure Statements (Use exact language, and include date and time of disclosure):

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DOCUMENT: (Be concise, write down what you saw, what was said, what you said)

1. Nature of incident(s):

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2. Full name of the employee who reported the alleged incident and how they can be contacted:

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3. The relationship of the alleged victim(s) to the alleged offender and the names of the schools attended by sibling(s) and other potential child victim(s):

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4. Steps taken to date (including time and date of disclosure):

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5. Describe current behaviours of the student, e.g. frequent absences, lateness, change in attitude, peer group, etc.:

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6. Describe language and cultural differences to facilitate the investigation, including need for an interpreter:

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7. Recommendations given to CPS on how to approach the family:

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8. Police involvement, if required (See Note Below):

Notify the Police when the alleged offender is not known to the child or is not in a position of trust or authority over the child (refers to incidents of physical and/or sexual abuse between a child and someone outside the child's family who has no position of trust or authority).

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Date & Time of Report to Police: \_\_\_\_\_

Police Contact Name: \_\_\_\_\_

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9. Outcome of Subsequent Investigation by Child Protective Services /Police:

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Report compiled by: \_\_\_\_\_

Name Position: \_\_\_\_\_

Signature Location: \_\_\_\_\_

Date: \_\_\_\_\_

Keep a personal record of the report and any other matters that are relevant. Keep all notes in a secure place.

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Telephone: Home: \_\_\_\_\_ Bus: \_\_\_\_\_



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Address:(if different from child)

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Street Apt. #

City/Town

Postal Code

Emergency Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

Present Location of Child(ren) Concerned: \_\_\_\_\_

(e.g. school/neighbour's house)

Date of Report to CPS: \_\_\_\_\_ CPS Contact Name: \_\_\_\_\_

Report to CPS by (print name): \_\_\_\_\_

(Note: Advising the Principal or designate does not absolve an employee of the legal responsibility to personally report to the Children's Aid Society)

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Signature

Position

Date

Incident Details: (Keep a personal record of the report and any other matters that are relevant.  
Keep all notes in a confidential and secure place.)

1. Nature of incident(s): (Be concise, write down what you saw, what was said, what you said)

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2. Steps taken to date (including time and date of disclosure):

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3. Was there police involvement?

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4. Outcome of subsequent investigation by Child Protective Services/police:

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**Appendix 4**

**Parental Consent to Allow CPS to Release Notes of Children's Interview**

Date: \_\_\_\_\_

Supervisory Officer, PSSBP

My signature denotes that I am the parent and legal guardian of:

Please print child's name: \_\_\_\_\_

I have been informed that the Protestant Separate School Board of the Town Penetanguishene is conducting its own investigation of \_\_\_\_\_.

I hereby give the Simcoe County Family Connexions Agency permission to release any information collected during this investigation to the PSSBP in recognition that this will alleviate the requirement for my child to be re-interviewed in this matter. In the event the Board needs further clarity, the Board would contact the parent for permission to seek this information. I understand that for privacy reasons the details of the investigation cannot be released to me.

Date Signed: \_\_\_\_\_

Parent/Legal Guardian Signature: \_\_\_\_\_

Please Print Name: \_\_\_\_\_

Please sign and return this form to the board office.

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**RESOURCES:**

SMDHU reporting procedures: <https://www.simcoemuskokahealth.org/docs/default-source/policies-procedures/lq0102reporttochildren%27said.pdf?sfvrsn=4>

SCDSB reporting procedures:

<https://www.scdsb.on.ca/common/pages/DisplayFile.aspx?itemId=5165721>

Child and Youth Family Services Act

<https://www.ontario.ca/laws/statute/17c14>

Criminal Code of Canada:

<https://laws-lois.justice.gc.ca/eng/acts/C-46/>

Health Care Consent Act:

<https://www.ontario.ca/laws/statute/96h02>