

## CHILD ABUSE POLICY

### **POLICY:**

The Employer recognizes the importance of having appropriate procedures in place to ensure a clear and coordinated response to child protection issues which include physical, verbal, emotional or psychological abuse, sexual abuse, harassment and employee misconduct.

### **PROCEDURES:**

These procedures recognize that the majority of perpetrators in child abuse situations are well known to the child and therefore may include family members, community volunteers, the Employer's employees and service providers within and outside the school setting.

These procedures support the Employer's commitment to a safe, respectful and nurturing environment. Included in this policy are corresponding procedures relating to hiring, staff training, reporting suspicion of child abuse and neglect, responding to students with special needs, investigating employee misconduct and cooperating with appropriate investigative agencies. The Employer's commitment to a coordinated response also includes providing information to educate students on personal safety.

### **References:**

- Child and Family Services Act
- Ontario College of Teachers Act
- Ontario Ministry of Education Policy/Program Memorandum No. 9 entitled Child in Need of Protection/Child Abuse Reporting Requirements
- Student Protection Act, 2002

## A. General Principles

1. Children have the right to be protected from neglect and abuse.
2. Addressing child neglect and child abuse is a responsibility shared by many professionals including educators and child protection workers.
3. Children have the right to be protected from further victimization. The investigation process will be consistent with this principle in regards to procedures such as number of interviews and timing of response.
4. The Employer has an important role to play in the prevention and identification of child neglect/abuse and the linking of appropriate services. It is the responsibility of educators to approach the child who may be in need of protection with commitment and thoroughness. (See Guidelines for Employer Personnel: Attachment "A")
5. All employees and volunteers of the Employer must comply with the procedures regarding a child in need of protection. Reporting child neglect and/or abuse must take place immediately.
6. The Children's Aid Society ("CAS") is responsible for the investigation of allegations of child abuse and neglect. CAS will determine the timing and nature of the investigation including involvement of the police and will make decisions related to the safety of the child.
7. Child abuse procedures must be reviewed with all school staff on a regular basis. Training will be provided for employees and volunteers as required.
8. Students of all ages have the right to be protected from neglect and abuse. The Employer will respond to their needs in accordance with the Employer's Policies and Procedures.

## **B. Statement of Roles**

1. The Children's Aid Society and Family and Children's Services are child protection agencies legislated under the Child and Family Services Act. This legislation defines the functions of the Children's Aid Society (CAS), defines when a child may be in need of protection and states the responsibilities of CAS to investigate and provide services to children in need of protection from abuse or neglect.

2. The Lycée Français de Toronto (the "Employer") is charged with the responsibility of ensuring that policies and procedures regarding child abuse reporting conform to the legislative provisions of the Child and Family Services Act.

## **C. Definition of a Child**

1. Under the Child and Family Services Act, Part III, Protection, a child is a person actually or apparently under sixteen (16) years of age. With respect to young people over the age of sixteen (16), allegations of neglect or abuse are investigated by the police under the assault or sexual assault provisions of the Criminal Code.

## **D. Definition of Child Abuse and Neglect**

1. The Child and Family Services Act defines the circumstances in which a child would be found to be "in need of protection". These circumstances are directly incorporated in Section 72 of the Act which sets out the duty to report. They include risk of or actual physical harm, sexual molestation or exploitation, emotional harm and neglect. [Section 72 (1) 1. to 13.]

## **E. Legislative Duty to Report**

1. The Child and Family Services Act (Section 72) states that:

"A person who has reasonable grounds to suspect that a child is in need of protection shall forthwith report the suspicion and the information upon which it is based to a CAS."

All reports and suspicions of abuse and neglect must be reported immediately to the appropriate CAS regardless of whether the alleged perpetrator is a family member, a community member, Employer staff, volunteer or service provider.

2. The duty to report is personal and can only be carried out by the person who has “reasonable grounds” to suspect that a child is in need of protection. This duty cannot be delegated to, or assumed by anyone else, including a Principal, professional support staff or senior administrator.
3. Professional persons and officials have the same duty as any member of the public to report. As such, where there are reasonable grounds to suspect that a child is in need of protection, a person, including a person with professional or official duties, must report the suspicion and the information on which the suspicion is based to a CAS.
4. The duty to report applies even though the information reported may be confidential or privileged. No action for making the report shall be instituted against a person who acts in accordance with the legislation unless the person acts maliciously or without reasonable grounds for suspicion as the case may be (the Child and Family Services Act, Section 72(7)).
5. Teachers, the Principal and non-teaching professionals are advised that their failure to report where there are “reasonable grounds to suspect” that a child is in need of protection can lead to a conviction of an offence which is subject to a fine of not more than \$1,000. A failure to comply with the Child and Family Services Act is a defined ground of professional misconduct under the Ontario College of Teachers Act, 1996.
6. It is important to note that the duty to report is an on-going one, such that where “additional reasonable grounds” arise to suspect that a child is in need of protection, a further obligation to report arises, despite the fact that the person may have made one or more previous reports.

## **F. Reporting Procedures and Follow-Up**

These procedures include both a protocol for reporting to the CAS, as well as an internal reporting protocol for the Employer’s employees.

1. In situations where a teacher, school administrator, professional support person or other personnel of the Employer have reasonable grounds to suspect that a child is in need of protection as defined by the Child and Family Services Act, the person shall immediately report the suspicion and the information on which it is based to the CAS in the jurisdiction that the child normally resides.

2. The individual who suspects that a child is in need of protection has a personal and/or professional duty to report directly to the CAS. That duty cannot be delegated to, or assumed by anyone else, including a Principal, professional support staff or senior administrator. The individual may request the presence of any of these staff members while making the report to the CAS.

3. The suspecting person may need to ask the child or parent questions to clarify information.

Questioning should occur only to the point where the person involved has a reasonable suspicion that the child is in need of protection. Any further questioning constitutes investigation and is the responsibility of the CAS. Assessing the validity of a suspicion is also the responsibility of the CAS. Once a child has disclosed the information, he/she must not be subjected to further questioning by any other representative of the Employer. Personnel of the Employer must avoid interfering with the investigative process.

4. The suspecting person making the report shall document and maintain all details, in writing. (See Child Abuse Record Form: Attachment “B”)

5. Consultation with the CAS is available in situations where an individual is unsure of whether the circumstances constitute reasonable grounds to suspect, thereby requiring a report be made. In such a consultation, the individual would explain a situation without giving names or other identifying data. The consultation would not constitute a referral or require any follow-up by the CAS.

6. The circumstances in which a child may be in need of protection may require an individual to exercise considerable personal judgment. The individual may wish to discuss the situation with the Principal or a non-teaching professional employee. Personnel of the Employer must consult with the Principal or designate regarding the written report. Consultation will be available but shall not remove the reporting obligation from the individual or impede the timeliness of the report.

7. At the time of the report to the CAS, the suspecting individual shall bring all information and any documentation to the Principal or designate. The Principal or designate shall be responsible for sending a follow-up letter to the CAS, confirming that the suspicion has been reported. A copy of the letter will be maintained by the Principal. (See Sample Letter: Attachment “C”)

8. The Principal will seek confirmation that the report has been received and will obtain the name of the CAS intake worker assigned to the case. If advised by the CAS that the suspicion or disclosure does not warrant an investigation, the Principal will record this information, the worker’s name, the date, and the time of the communication.

9. Any notation of contact or communication with the CAS will be documented in the Employer's file by the Principal. If the Principal deems it necessary, a notation may be made of the date the call was made to CAS in the student's file (which can be the student's OSR) consistent with record retention information in the Education Act, with the exception of situations involving Employer employees. If the investigating agency determines there is no legitimate basis for the report, information may be removed from the student's file (which may be the OSR).

10. Once a report is received by the CAS, the Employer will work with the CAS to determine how the parents will be informed. Personnel of the Employer shall not inform parents that a report has been made without consultation with the CAS. Any investigative role is clearly the mandate of the CAS. The Employer will partner with the CAS so that school personnel may assist where required including consideration of appropriate timelines such as when the child is expected at home or when a parent may arrive to pick up their child from school.

In situations where there is a suspicion that a child is in need of protection and there is a risk of imminent physical or emotional harm, the CAS is responsible for determining the timing, location and nature of the investigation.

11. Provisions need to be made for supporting the child prior to and during the initial interview and/or investigation, as required. The support person should be a person of the child's choosing.

12. Information necessary to complete the investigation will be provided by the Employer including the student's identifying information, family data and the context of the situation, to the extent permitted by law.

## **G. Student with Special Needs**

1. The Employer recognizes the particular vulnerability of children with special needs. When a report is made, based on a suspicion of abuse/neglect or on a disclosure, attention will be given to provide appropriate assistance for a child whose disability affects their ability to communicate.

2. The reporting person and/or the Principal will provide to the investigating agency or the police information on the needs and accommodations necessary for the child, such as the presence of a known adult during the investigation process.

## H. Procedures Regarding Employees

1. In situations where a teacher, support staff or other employee of the Employer is suspected of conduct which places a child in need of protection and where the Principal or a Supervisor is aware that a report to the CAS has been made, the Principal or the Supervisor must notify the Chair of the Board of Directors. In situations where the Principal is suspected of such conduct, the Chair of the Board of Directors must be directly notified.

2. A staff person or volunteer who has made a report to the Principal regarding an allegation of abuse by an employee or volunteer of the Employer and is not satisfied with the response may contact the Chair of the Board of Directors directly.

3. Under no circumstances should the implicated staff member be contacted regarding an allegation or disclosure until specific instructions are received from the investigation police or CAS.

A teacher shall not report to a fellow teacher that an allegation or disclosure has occurred. This procedure is designed to secure the safety of the student, to ensure that the rights of the victim and the accused person are protected and to prevent possible destruction of evidence.

4. The Employer will undertake to ensure the safety of any other alleged or potential victims through whatever means are deemed appropriate, including interim suspension of the employee or removal from the school setting. Staff and volunteers of the Employer are expected to be supportive of a student who has come forward, and to respect and protect the confidentiality of the disclosure within legal confines.

5. Only staff who needs to know and who will in no way jeopardize the investigation will be informed of the disclosure in order to protect the confidentiality and privacy of all affected parties.

6. The Employer will cooperate fully with the CAS and the police in any investigation and provide access to any relevant information within legal confines.

7. In instances involving school personnel, it must be remembered that the Employer has two (2) key areas of responsibility:

- i) acting in “loco parentis” for the children registered in the school;
- ii) serving as the employer of the person who is the alleged abuser.

It is the Employer's determination whether the accused employee shall be relieved of duties or reassigned during an investigation. The Employer may seek advice from the CAS in this regard. Immediate termination will occur where abuse is admitted or there is a criminal conviction or finding of guilt.

8. Where a situation involving a staff person is reported to a CAS or the police, and they decide not to pursue the matter, the matter shall be reviewed by the Chair of the Board of Directors in order to establish whether further action is warranted.

9. In instances where employees of the Employer are suspected to have conducted themselves in their personal capacity, in a manner which places a child in need of protection, there is a very delicate balance between the individual's rights to privacy, versus the Employer's "need to know" to protect possible victimization in the workplace.

10. Should the Employer become aware of this conduct, it will assess the risk posed to students and take appropriate action.

11. The Chair of the Board of Directors will be responsible for ensuring that an internal investigation of circumstances is conducted. The investigation shall be coordinated in consultation with the investigating CAS and the police.

12. Pursuant to the Student Protection Act, 2002, Part II, the Employer shall promptly notify the Ontario College of Teachers in writing:

a) when it becomes aware that a member who is or has been employed by the Employer:

- i) has been charged with an offence under the Criminal Code which, if proven, may amount to professional misconduct of a sexual nature; or
- ii) has been found guilty of such an offence; or
- iii) has resigned or terminated his or her employment with the Employer, during an investigation into allegations that the member engaged in physical or sexual abuse;

b) when it has dismissed, suspended or otherwise disciplined a member in its employ for engaging in abuse and provide the reasons for such action;

c) where in the opinion of the Employer, the conduct or actions of a member who is or has been employed by the Employer, should be reviewed by a committee of the Ontario college of Teachers.

13. Where a current or former employee is not a member of the Ontario College of Teachers, the Employer shall promptly notify any applicable licensing body in writing of the circumstances described in Section H.12.

14. The Chair of the Board of Directors shall be advised of any actions taken under Section H of this Policy.

15. The Student Protection Act, 2002, in Part III, Section 7 (3) defines sexual abuse of a student as:

- Sexual intercourse or other forms of physical sexual relations between the [teacher] and the student;
- Touching of a sexual nature, of the student, by the [teacher];
- Behaviour or remarks of a sexual nature by the [teacher] towards the student.

Part II, Section 48.1 states that every employer who contravenes the provisions as described in H.12 above is guilty of an offence and on conviction is liable to a fine or not more than \$25,000.

### **I. Special Procedures Where the Alleged Perpetrator is a Student**

1. Under the Youth Criminal Justice Act, 2002 and the Criminal Code of Canada, since a young person may be prosecuted for offences committed after reaching the age of twelve (12) years, a student may be criminally responsible for sexual abuse or related offences.

2. Where a student is alleged to have sexually abused another student, the procedures outlined in Section F for reporting to CAS apply with appropriate modification. Confidentiality must be maintained in such cases to protect the privacy and rights of all involved to a fair and impartial investigation.

3. The Principal will determine whether the student who is alleged to have abused another student may remain in school pending investigation of the matter. The Principal may consult CAS in this regard.

4. The Principal may permit the student to remain in school if it is determined, after consultation with teachers and affected parties, that the student's continued presence in the school is unlikely to be detrimental to the physical or mental well-being of the alleged victims or witnesses or to other students and the student's continued presence is in his/her best interests. Reasonable conditions may be imposed upon the student to permit his/her continued presence.

5. When a student is charged with the sexual abuse of another student, the Principal will immediately remove the alleged offender from the school until the investigation is completed or the charge has been disposed of or a decision is made by the Employer. Once the matter has reached a final determination, the Principal will decide final placement of the student.

6. As in all cases of sexual abuse or related offences, school personnel should support the victim and demonstrate sensitivity and confidentiality throughout these procedures.

#### **J. Investigation on School Premises**

In certain situations, it may be necessary for investigations of suspicions to occur on school premises. Where a child is to be interviewed at school, the CAS and the police (the “Team”) shall adopt the following procedures:

1. The Team, in consultation with the Principal, shall develop a plan which addresses the immediate needs of the victim and considers the whereabouts of the alleged offender.

2. Where the Team does not object to the presence of at least one parent at the interview of the child at school, the CAS would seek prior parental consent to the interview, encourage the parent to attend and give the Principal of the school sufficient notice of their visit and of the parent’s consent.

3. Where a parent is unavailable, a support person, requested or chosen by the child, should be present at the interview within the school to help him/her to feel more comfortable. The Principal or designate may, at his/her request, be present unless the child refuses or the Team confirms that such attendance would not be in the best interests of the child.

4. In the case of a child who may be in need of protection and who may be at risk of harm if the parent has prior knowledge of the interview and is permitted to participate, the CAS may direct, and the Principal shall permit, an interview to take place without parental consent and in the absence of the parents on school premises, if the Principal is of the view that it is in the best interests of the child. The Team must undertake to inform the parent(s) about the interview as soon as is reasonably possible.

5. The removal of a child from school property without parental consent by an agent of the CAS or the police, will constitute an “apprehension” of that child, as defined under the Child and Family Services Act, and will thereby fall within the legal jurisdiction of the CAS or the police.
6. There are four (4) situations where sexual abuse investigations may occur on school premises:
  - a) where abuse is disclosed at school and reported immediately by a staff member to the CAS;
  - b) where abuse is disclosed outside the school and the Team wishes to interview the child at the school;
  - c) where the abuse disclosure involves a staff member as the alleged offender; and
  - d) where the abuse disclosure involves another child (student) as an alleged offender.
7. The Team should request that the parent(s) and the child (if twelve (12) years or older) sign a Release of Information Form to allow for full communication with the Principal.
8. Where the report involves a staff member as the alleged offender, the Team should first contact the Principal or his/her delegate and should proceed with the investigation in cooperation with school officials. The Employer’s representatives shall not interview or advise the alleged offender prior to police investigative interviews.
9. The Team should provide the Principal with sufficient information to enable school personnel to support the child and to continue the ongoing relationship between home and school. In particular, the Principal should be informed:
  - a) if the investigation is to be delayed and when the interview of the child will occur;
  - b) that the parent(s) have been informed of any interview conducted without their prior knowledge so that school personnel may resume contact with one or both parents;
  - c) if the child is placed in the care of the CAS
  - d) whether or not criminal charges have been laid (excluding young offender cases); and
  - e) about the existence of any court orders regarding access or contact with the child (e.g. bail conditions) excluding cases involving young offenders.

**Registration in the school implies acceptance of LFT’s rules and regulations**

## ATTACHMENT "A"

### CHILD ABUSE PROCEDURES GUIDELINES FOR SCHOOL PERSONNEL

#### **A. Support for Students**

1. When a member of staff notices signs of abuse or a student discloses experiences of abuse, and these incidents are reported to the CAS, the student will need the support of the Principal, teachers and other staff, from the time of reporting until CAS is involved.

2. Students need to be reassured that the abuse inflicted on them is not their fault. They need to know that they are not alone and that they will be helped.

3. The staff member should try to stay calm.

4. Reassure and support the student using statements such as: "I'm glad you told me; you did the right thing."

"It's not your fault."

"You are not alone; this happens to other students."

"I have to tell some people that this has happened. They will want to ask you some questions. They can help to make sure you are safe."

5. Remember you can acknowledge how the student feels about this but you cannot give the child a choice.

6. A support person as requested and chosen by the student should, whenever possible, be present at the interview within the school. The Principal may request to be present unless the student refuses or the CAS/police Team confirms that such attendance would not be in the best interests of the student.

#### **B. Disclosure by the Student**

1. Believe the student; do not bring in the alleged perpetrator to confront the student.

2. Try to stay calm and offer reassurance to the student.

3. Try not to assume that the student hates or is angry at the offender (may be a family member, peer or someone you know).
4. Take time to respond to the student's questions and concerns.
5. Be careful not to make promises you cannot keep (e.g. "Your mom won't be upset." or "The offender won't get into trouble.")
6. If a student discloses in class, acknowledge the statement (e.g. "That sounds important. Can you and I talk about that later?") and move on. Arrange to talk to the student privately and as soon as possible (e.g. recess, lunch break).

### C. Reporting Procedure

A person who has reasonable grounds to suspect that a child is in need of protection must report the suspicion immediately to the CAS.

1. The duty to report is personal and can only be carried out by the person who has "reasonable grounds" to suspect that a child is in need of protection.
2. The CAS may be consulted if there is a question or doubt about "reasonable grounds".
3. The person making the report to the CAS should inform the Principal.
4. The person making the report should complete the Child Abuse Record Form (Attachment "B"). The following guidelines apply to the completion of the form:
  - by hand, using ink only, in a distinct book reserved for this purpose, record the various elements of the report. Areas of injuries or bruising should be circled on the body sections set out in the diagram. The report's contents should be limited to a factual description;
  - include the name and telephone numbers of the CAS or police representatives (identification number) spoken to and any instructions they provided;
  - do not prepare a draft or reproduce your report - the original, detailing the facts, constitutes your report. If you make an error, do not use a corrector of any sort - strike out the section which needs to be rectified, initial the errors and changes and continue with your report;

- sign and date the report;
  - this procedure must be followed each time you have reasonable grounds to suspect that a child is in need of protection from abuse;
  - the report, in its entirety, must be sealed (e.g. the pages must be stapled together with a cover page and given to the Principal who files the report in a locked, fireproof (if possible) filing cabinet, separate from the child's general file.
5. The Principal shall send a letter to the CAS confirming the report and the CAS' response to the report. (See Sample Letter: Attachment "C")
  6. Information on timelines should be given to the CAS (e.g. when the student is expected at home) as well as any other information required in the planning process.
  7. As a general rule, the CAS/police may only conduct an interview with a student at school with the prior consent of at least one of the parents. Plans should be confirmed about the process that the CAS/police team will use about coming to the school and sharing information with the student and the parents.
  8. Only the CAS/police should call or talk to the alleged offender.
  9. If the alleged offender is a staff member, the Principal will inform the Chair of the Board of Directors immediately. The staff member must not be informed of the allegation before consultation with the CAS.
  10. The person making the report to the CAS can request that his/her name be kept confidential. However, if the matter goes to court, then the name of the caller must be placed in the court document and the alleged perpetrator will receive a copy of the court document.
  11. A Release of Information Form should be signed by the parents and the student (over the age of twelve (12)) to allow for full communication between the CAS and the Employer.

#### **D. After the Disclosure**

1. Respect the student's right to privacy by not identifying her/him to other staff or students.
2. Disclosures are never easy to handle. You also need support. Talk to someone you trust about your feelings.
3. Keep communication open with the student who will require ongoing support.
4. Communicate with the Principal or designate about the status of the investigation, actions taken, or to give further information.
5. Although it is important to leave the job of investigation to the CAS and the police, if the school has not received any information, the Principal should call the CAS for any information they can provide. If the worker assigned cannot be reached, his/her Supervisor should be contacted. It is best to discuss with the Supervisor any situation which the Principal feels is unsatisfactory.

**ATTACHMENT "B"**

**CHILD ABUSE RECORD FORM**

(Confidential)

Name of Informant: \_\_\_\_\_

Informant's Phone Number - Day: \_\_\_\_\_ Evening: \_\_\_\_\_

Student's Name: \_\_\_\_\_

Student's Age: \_\_\_\_\_ Student's Sex: \_\_\_\_\_ Gr/Level: \_\_\_\_\_

Student's Complete Address: \_\_\_\_\_

Parent/Guardian's Name: \_\_\_\_\_

Parent/Guardian's Phone Number - Day: \_\_\_\_\_ Evening: \_\_\_\_\_

In accordance with the Lycée Français de Toronto's Policy, I am writing to confirm the conversation with \_\_\_\_\_ on (date) \_\_\_\_\_.

During this conversation, \_\_\_\_\_ reported concerns regarding the above-named child. Those specific concerns were:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How this matter came to my attention:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date it came to my attention: \_\_\_\_\_

Place it came to my attention: \_\_\_\_\_

Describe in detail how the situation was brought to your attention and what the child stated (physical or emotional signs of abuse including the hour and date; set out the words used by the child and the type of interaction between the child and the other persons involved; describe in detail the child's physical condition, including injuries, burns, significant marks or other symptoms of illness; identify the injuries and significant marks on the attached diagram); describe the child's

emotional state including behavioral problems and the child's reaction following disclosure of the incident:

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Where the incident(s) took place: \_\_\_\_\_

Dates of the incident(s): \_\_\_\_\_

Witnesses (names and contact phone numbers if possible):

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Alleged offender(s)' relationship with the child: \_\_\_\_\_

Action taken with respect to the child: \_\_\_\_\_

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Action taken regarding the alleged abuser (including suspension, parental contact or conducted interviews): \_\_\_\_\_

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Diagram:

Signature of the Informant: \_\_\_\_\_

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

This report must be made by the person who actually has the duty to make the report and that duty cannot be delegated. Also, this report must be made despite the confidential nature of some of the information which may be communicated, including information contained in the student's file (OSR). The statute protects a person coming forward with a report of abuse by preventing a lawsuit against that person unless the person acted maliciously or without reasonable grounds for the suspicion.

*Do not take any personal initiatives regarding this matter. Return this form to the Principal.*

**ATTACHMENT “C”**

Children’s Aid Society of Toronto

[Address]

[Date]

Dear Sir/Madam:

In accordance with the Lycée Français de Toronto’s Policy, I am writing to confirm the telephone conversation with \_\_\_\_\_ (Name of CAS worker) on \_\_\_\_\_ (Date) concerning the following:

*Re: Student’s Name*

\_\_\_\_\_

*D.O.B.:* \_\_\_\_\_

*Grade:* \_\_\_\_\_

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

*Parent/Guardian’s Name:* \_\_\_\_\_

*Home # :* \_\_\_\_\_ *Bus #:* \_\_\_\_\_

*Emergency Contact Name:* \_\_\_\_\_

*Phone Number:* \_\_\_\_\_

During this conversation, \_\_\_\_\_ (Name) reported concerns regarding the above-named child. The specific concerns were:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The CAS intake worker indicated the agency's response would be:

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Sincerely,

(Name)

cc: Principal's file

*This report is made in accordance with the requirements of the Child and Family Services Act (Section 72).*