

Keewatin-Patricia District School Board

**Child Abuse Reporting Protocol**

**and**

**Protocol for Reporting and Investigating  
Alleged Physical and/or Sexual Abuse of a Student  
by a Board Employee**

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## **I. CHILD ABUSE REPORTING PROTOCOL**

### **A. Introduction**

This protocol has been developed jointly by the Keewatin-Patricia District School Board, the Kenora Catholic District School Board, the Northwest Catholic District School Board, the Red Lake Area Combined Roman Catholic Separate School Board and the Kenora-Patricia Child and Family Services. It outlines the employee's obligation to report suspicions of child abuse and to whom such a report must be made. It also indicates the steps, which would normally be followed by a child protection worker conducting an abuse investigation at school on behalf of the Agency.

### **B. Definitions**

#### **1. Employee**

An employee is an adult employed by the Keewatin-Patricia District School Board, the Kenora Catholic District School Board, the Northwest Catholic District School Board or the Red Lake Area Combined Roman Catholic Separate School Board.

#### **2. Child**

A child means a person under the age of sixteen, or where that person is a ward of the Kenora-Patricia Child and Family Services, under the age of eighteen.

#### **3. Abuse**

Section 72 (amended 1999) of The Child and Family Services Act states that a child suffers "abuse" in any of the following circumstances:

- a) The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's:
  - i) Failure to adequately care for, provide for, supervise or protect the child or;
  - ii) Pattern of neglect in caring for, providing for, supervising or protecting the child.
- b) There is risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's:

- i) Failure to adequately care for, provide for, supervise or protect the child or;
  - ii) Pattern of neglect in caring for, providing for, supervising or protecting the child.
- c) The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
- d) There is risk that the child is likely to be sexually molested or sexually exploited as described in clause (c).
- e) The child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or the person having charge of the child does not provide, or refuses, or is unavailable or unable to consent to the treatment.
- f) The child has suffered emotional harm, demonstrated by severe:
- i) anxiety;
  - ii) depression;
  - iii) withdrawal;
  - iv) self-destructive or aggressive behaviour, or;
  - v) delayed development;

And there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parents or the person having charge of the child.

- g) The child has suffered emotional harm of the kind described in clause (f), and the child's parent or the person having charge of the child does not provide, or refuses to provide, or is unavailable to provide, or unable to consent to, services or treatment to remedy or alleviate the harm.
- h) There is a risk that the child is likely to suffer emotional harm of the kind described in clause (f) 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.
- i) There is a risk that the child is likely to suffer emotional harm of the kind described in clause (f) and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable to consent to services or treatment to prevent the harm.

- j) 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.
- k) 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.
- m) 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.

**C. General**

The authority to provide child protective services is delegated to the Kenora-Patricia Child and Family Services under The Child and Family Services Act, 1984 (the Act). Under the Act, this Agency must respond whenever conditions outlined in Section 72 exist.

Where circumstances as described in Section 72 exist, a child protection worker must ensure the child's immediate safety. Should a child require care by other than his or her legal guardian(s), the child protection worker may apprehend and take the child to a place of safety.

The Child and Family Services Act empowers child protection workers to apprehend children with or without a warrant. In addition, the Act allows a peace officer to apprehend children in need of protection.

Once a child is apprehended, the child protection worker has five days to:

- return the child to his/her legal guardian(s);
- negotiate a Temporary Care Agreement with the legal guardian(s); or
- proceed with a Protection Application to Family Court.

Similarly, any person who has reasonable grounds to believe that a child is or may be in need of protection must report this information immediately to Kenora-Patricia Child and Family Services. The duty to report is contained in Section 72 of the Act.

When an employee of a Board has reasonable grounds to believe that a child is or may be in need of protection as defined in Section 72 of the Act, that employee shall immediately report his or her belief in accordance with this Protocol.

**D. SCHOOL REPORTING PROCEDURES**

When a school employee has reasonable grounds to believe that a child is or may be in need of protection as defined in Section 72 of The Child and Family Services Act, that employee shall immediately report the concern in the following manner:

1. A report shall be made forthwith by the school employee to the Agency and advise the Principal of the report.
2. Within twenty-four (24) hours of making an oral report to the Agency, a written report will be prepared by the Principal/Vice-Principal, with a copy forwarded to the Director of Education/Supervisory Officer and the school employee who initiated the process (see Child Abuse Reporting Form).

Any response received by the principal/designate regarding the report shall be shared with the school employee who made the report. The information will be retained as long as it is deemed relevant by the principal, in their absolute discretion, and in any event, for one year after the incident is brought to the attention of the principal.

**E. AGENCY INVESTIGATION PROCEDURES**

Upon receiving information that a child is or may be in need of protection and where the Agency intends to conduct an investigation at the school, the Principal can expect that:

1. An Agency worker will telephone the Principal and provide information summarizing the protection concern and identifying the child(ren) involved.
2. Upon arrival at the school, the worker(s) will meet with the Principal/Vice-Principal to review and provide information where required. The worker(s) shall provide identification if they are not known to the Principal. Where possible, the school employee who is reporting the concern will be part of the information-sharing meeting. The worker(s) will request to interview the child, and possibly the siblings attending the school.

**NOTE: The Agency is hopeful that the Principal will extend full cooperation to the worker(s). However, the capacity of acting “in loco parentis” allows the Principal the following options: to agree; to agree, but attach conditions to the request; or reject the request.**

3. Before interviewing the child(ren) the worker(s) will either seek prior parental consent to the interview or determine that the best interests of the child require that the interview take place without prior knowledge of the parents.
4. The worker(s) may suggest that a support person, as requested and chosen by the child, be present for the interview. The Principal, if he/she wishes, may also be present unless the child refuses, or the worker(s) believes that such attendance would not be in the best interest of the child.
5. Prior to the interview, there will be a meeting between the support person and the worker(s) conducting the investigation to clarify roles, information and the process to be followed.

**Note:** *If the Principal rejects the request to interview a child on the school premises, the worker(s) must decide whether to exercise their authority to apprehend or not and the child may be removed from the school.*

6. During the interview, the worker may request the child to remove articles of clothing for the purpose of observing evidence of physical abuse.
7. After the interview, the worker will inform the parents that an interview with their child has taken place. This notice must be given prior to the time the child is usually expected home from school.
8. If the information and/or evidence indicates a child is at serious risk and is in need of protection, the worker will immediately apprehend the child and advise the Principal of the apprehension, as well as whether the child is being removed from the school, taken to a place of safety or requires medical attention. The worker must advise the parents or guardians of the apprehension and continue with the investigation.
9. If the decision to apprehend occurs after the close of the school day, the worker must advise the Principal of the apprehension at the commencement of the next school day. Further, the worker must provide the Principal with information related to the foster placement and legal status of the child and what procedures to follow should the parents arrive at the school to see the child.
10. After the investigation is completed, the Agency worker is responsible for sharing information with the Principal as to the status of the child(ren).

## II. **PROCEDURES FOR ALLEGATIONS INVOLVEDING EMPLOYEES**

### A. 1. **DEFINITIONS**

#### i) **Abuse**

“a state or condition of being physically harmed, sexually molested or sexually exploited”: (Section 72 of The Child and Family Services Act).

#### ii) **Advocate**

A trusted adult with whom a student confides.

#### iii) **Agency**

Refers to the Kenora-Patricia Child and Family Services.

#### iv) **Board Employee**

For the purpose of this Protocol, “board employee” refers to any person who is employed directly by the School Board or any person who is under the supervision of a school board employee.

### 2. **KEY CONCEPTS**

A student who believes he/she has been abused by a Board employee should report the alleged abuse to a trusted adult.

#### i) **Duty to Report**

The Child and Family Services Act, Section 72 (amended 1999), states that a person who has reasonable grounds to suspect one of the matters set out in Section 72, has a duty to report and shall make the report directly to the Society and shall not rely on any other person to report on his or her behalf. Further, there is an ongoing duty to report additional reasonable grounds to suspect abuse and/or neglect.

### B. **PROCEDURES**

#### 1. **Receiver of Information (Internal to School System)**

**Step 1** Records the data shared by the student/advocate.

**Step 2** Advises student/advocate of his/her obligation to report steps to be taken.

**Note:** *School personnel at Step 3 will not interview the student.*

**The Board's employee will not be notified of the allegation at Step 3.**

**In a case where the allegation has been made against a Principal, the Superintendent of Education/Director of Education/Supervisory Officer will assume the duties of the Principal as outlined in this Protocol.**

Step 3 Makes an oral and written report to the Principal. If the Principal is unavailable, the receiver of information will contact the Superintendent of Education/Director of Education/Supervisory Officer.

Step 4 The Principal will then take the following steps:

a) **For students under 16:**

- i) Notifies the parent/guardian of the allegation of abuse. At this time, the identity of the employee will not be disclosed. If the parent/guardian cannot be reached the Principal is obligated to proceed immediately to step (ii) and contact the parent/guardian later.
- ii) Contacts the Agency. The Agency will then determine when they will contact the student's parent/guardian and Police.

b) **For students 16 and over:**

- i) With the student's permission, contacts the parent/guardian. At this time, the identity of the employee will not be disclosed. If the parent/guardian cannot be reached the Principal is obligated to proceed immediately to step (ii) and contact the parent/guardian later.
- ii) With the student's permission, contacts the Police. The Police will then determine when they will contact the student's parent/guardian.

Step 5 The receiver of the information will remain involved as a support for the student.

## 2. **Receiver of Information (External to School System)**

Step 1 Under the authority of the appropriate legislation, the Police and/or the Agency will begin an investigation.

Step 2 The Police and/or the Agency will immediately inform and seek the assistance of the Superintendent of Education/ Director of Education/ Supervisory Officer.

Step 3 The Superintendent of Education/ Director of Education/ Supervisory Officer will then follow the steps outlined in the section entitled Superintendent of Education/ Director of Education/ Supervisory Officer.

**Principal:**

Step 1 Receives and records information as per above and immediately informs the Superintendent of Education/ Director of Education/ Supervisory Officer.

Step 2 Cooperates in any investigation that is initiated and directed either by the Agency or by the Police. Consults with the Police, the Agency and the Superintendent of Education/ Director of Education/ Supervisory Officer as to who will inform the employee and when this will occur.

Step 3 Conducts any preliminary inquiries/investigations as required by the Superintendent of Education/ Director of Education/ Supervisory Officer in cooperation with the Agency and/or the Police.

Step 4 Acts as a resource to the person informing the employee that an allegation has been made and that an investigation has commenced. Ensures that the employee has been advised to contact their Union representative regarding the allegation.

**Superintendent of Education/ Director of Education/ Supervisory Officer:**

Step 1 Reviews the preliminary investigation and investigates further as required.

Step 2 Will take on of the following actions based upon findings under Step 1:

- a) Continue the employee in his/her existing assignment;
- b) Assign the employee to home duty with pay;
- c) Assign the employee to an alternate work situation;
- d) Suspend the employee with pay;

- e) Suspend the employee without pay;
- f) Any other action which is deemed appropriate.

Informs the appropriate Union President should any action other than (a) be taken.

Step 3 Implements the action taken in Step 2 pending “further investigation”. Informs the Board as soon as possible should the initial investigation indicate reasons for concern.

Step 4 Cooperates in any investigation that is initiated and directed by the Agency and/or the Police.

Step 5 Conducts, where applicable, an in-depth investigation in cooperation with the Agency and/or the Police.

Step 6 Advises the employee and his/her family of community support services available through the Employee Assistance Plan.

Step 7 Consults with the Executive Director of the Agency to confirm that support services are being made available for the student and/or family.

### **C. DISPOSITION OF FINDINGS**

Disciplinary action taken at the conclusion of the investigation is not solely dependent on the courts. The Board’s actions must reflect the application of the Education Act and Regulations, and/or the Criminal Code.

1. Any disciplinary action is recommended to the Board by the Director of Education/ Supervisory Officer.
2. “Procedural fairness” requirements must always be met, e.g., the employee has the right to state his/her case before the Board in person, to have proper notice of meetings and to have representation.
3. Discipline will be applied progressively depending upon the severity of the offence and may include termination for cause, effective immediately.
4. The Director of Education/ Supervisory Officer will ensure the prompt notification of the Minister of Education and Training in writing when the Board becomes aware that a teacher who is or has been employed by the Board has been convicted of an offence under the Criminal Code (Canada) involving sexual conduct of minors or of any other offence that in the opinion of the Board indicates pupils may be at risk Education Act (clause 170 (12.1)).

**D. GUIDELINES**

1. The Director of Education/ Supervisory Officer will liase with the appropriate Union President regarding the progress of the investigation and disciplinary action taken.
2. All actions must be premised on the need to protect the child.

Principals and Superintendents of Education should keep detailed, dated notes pertinent to the investigation.