

Ensuring Student Safety and Protection Together



A Joint Children's Aid Society and School Board Protocol

Durham Children's Aid Society

Kawartha-Haliburton Children's Aid Society

Highland Shores Children's Aid Society

Kawartha Pine Ridge District School Board

Peterborough Victoria Northumberland and Clarington Catholic District School Board





Child Maltreatment Protocol

Recognizing the need for a coordinated response to child abuse/neglect investigation/evaluation and case management, this protocol has been developed jointly by the Kawartha Pine Ridge District School Board, the Peterborough Victoria Northumberland and Clarington Catholic District School Board, the Kawartha-Haliburton Children's Aid Society, the Durham Children's Aid Society and the Highland Shores Children's Aid Society (formerly the Children's Aid Society of Northumberland and the Hastings Children's Aid Society).

All of the parties originally signed the agreement on this protocol between the respective Kawartha Pine Ridge District School Board, the Kawartha-Haliburton Children's Aid Society, the Durham Children's Aid Society, the Peterborough Victoria Northumberland and Clarington Catholic District School Board and the Highland Shores Children's Aid Society (formerly the Children's Aid Society of Northumberland and the Hastings Children's Aid Society).

Table of Contents

Introduction	1
Statement of Purpose.....	1
Statement of Principles	2
The Child and Family Services Act (CFSA)	3
Paramount Purpose.....	3
Other Purposes Under the Child and Family Services Act	3
Functions of the Children's Aid Society	3
Role of School Board.....	4
Grounds for Protection	4-5
Duty to Report (Section 72) an Offence (Section 84)	6
Ongoing Duty to Report.....	6
Person Must Report Directly	6
Failure to Report	6
Application of Subsection (4).....	6
Offence.....	7
Confidentiality of Reporting	7
Risks to Younger Siblings and Other Children	7
Past Abuse	8
When and How to Report.....	8-9
Investigation Process.....	10-12
Possible Outcomes of the Investigation.....	12
Reporting of Child Protection Involvement To The School.....	12
Reporting of Child Protection Involvement To Parents	12
Reporting of the Investigation Outcome	12
Case Closure Following Investigation	13
Children in Care	13
Student Program Placement.....	14
Students with High Needs for Children in Care.....	14
Cooperation and Resolution	14
Monitoring and Evaluation.....	14
Protocol Education	15
Allegations Regarding School Board Staff	15
PVNC Catholic District School Board:	
Child Protection Protocol for Reporting Allegations Against Board Employees	16-17
Legal Status of Children in Care.....	17-18
KPRDSB:	
Allegations Against School Staff or Board Employees – Child Protection:	
Protocol for Reporting	19-20
Appendix 1 – KPRDSB Administrative Regulations	21-22
Acknowledgements	23

Introduction

This Protocol is designed to assist in ensuring the safety and protection of students and to provide a coordinated response in the undertaking of child protection, abuse/neglect investigations within the jurisdiction of the Kawartha Pine Ridge District School Board and the Peterborough Victoria Northumberland and Clarington Catholic District School Board (to subsequently be referred to as the District School Boards).

This Protocol is consistent with the standards and guidelines as outlined in the Child Protection Standards of Ontario, February 2007 and the *Amendments to the Child and Family Services Act, November 2006* (referred to as the *CFSA herein*).

Statement of Purpose

This document is written for service providers in recognition of our need to protect, respond compassionately and effectively and give a voice to all children.

The goals and objectives for this protocol are as follows:

- ❖ Ensure a consistent approach across the jurisdiction for Children's Aid Societies (to subsequently be referred to as the CAS) and the District School Boards to respond to children who may be in need of protection;
- ❖ Deliver the best possible service to children and their caregiver(s);
- ❖ Promote a child-centered investigation and to decrease a child's "re-victimization";
- ❖ Increase the safety and protection of children;
- ❖ Define and explain inter-agency procedures and responses of signatory service providers and the 'duty to report' all suspicions of child abuse or neglect;
- ❖ To be accountable to each other and the children we serve;
- ❖ To encourage collaborative, adaptive and responsive partnerships to enhance the safety and well being of children in the community;
- ❖ To choose the least disruptive course of action both within the District School Boards and as part of CAS intervention.



Child victims of maltreatment deserve appropriate, caring, accessible, coordinated and consistent responses by the service providers.

Child maltreatment is a serious social problem that requires a coordinated response and the cooperation of the District School Boards and CAS.

Statement of Principles

The Protocol articulates the shared commitment between the District School Boards and CAS responsible for the prevention, detection, reporting and investigation of child maltreatment. Early detection and community education provide the ultimate keys to ending the cycle of child abuse and neglect and their destructive consequences. We seek to collaborate and work cooperatively for the support and healing of children. The principles below provide a context for this document:

- ❖ **All children have the right to a safe, nurturing environment in which to grow to their full potential free from violence, abuse and neglect.** It is a shared responsibility to ensure that these conditions are fulfilled.
- ❖ **All children who have experienced or witnessed maltreatment will be treated with dignity, respect and care.** Their culture, ethnicity and religion will be valued and respected. Within the context of a collaborative investigative process and relevant legal principles, confidentiality will be respected.
- ❖ **Investigators should proceed on the assumption that a child's disclosure warrants a full investigation.** Most children are capable of being credible reporters of events. All allegations of child abuse and neglect must be taken very seriously and must be thoroughly investigated. A subsequent recanting by the child should **NOT** be taken as proof that the abuse did not occur. Children who cannot verbalize a disclosure due to communication barriers may provide key information through their behaviour.
- ❖ **All actions taken will be in the best interest of the child(ren).** A coordinated, cooperative and collaborative approach to child abuse prevention, detection, reporting, investigation and support puts the best interest of the child(ren) first. This approach also minimizes the opportunity for, and the potential of, re-victimization. It is recognized that the process may be traumatic, but the child will be supported throughout.
- ❖ **Joint investigations are in the best interest of the child and should be considered in all child abuse allegations. The fundamental principle of joint investigations is that decisions are made together through a consultative process and that a plan for the investigation is developed.** The partnership will involve both child protection and police. The collaboration could expand to include the education system, the child care system and will expand to the criminal justice system when charges are laid. The plan should take advantage of the particular strengths and abilities of each of the participants.
- ❖ **The child(ren)'s developmental level will be taken into account throughout the entire investigative process and throughout the justice system.** Investigative decisions need to be based on a child's intellectual, physical, social and communication abilities.
- ❖ **Following an investigation, children and caregivers will be offered referrals to community support services.** Strengthening the family to protect and support the child can be the most effective way to stop the abuse and neglect and mitigate the effect of the abuse/neglect on the child.



The Child and Family Services Act (CFSA)

Paramount Purpose

The paramount purpose of this Act is to promote the best interests, protection and well being of children.

Other Purposes under the Child and Family Services Act

The additional purposes of this Act, as long as they are consistent with the best interests, protection and well being of children, are:

- a) To recognize that, while parents may need help in caring for their children, help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent;
- b) To recognize the least disruptive course of action that is available and is appropriate in a particular case to help a child should be considered;
- c) To recognize that children's services should be provided in a manner that:
 - (i) Respects children's needs for continuity of care and for stable family relationships; and
 - (ii) Takes into account physical and mental developmental differences among children;
- d) To recognize that, wherever possible, services to children and their families should be provided in a manner that respects cultural, religious and regional differences; and
- e) To recognize that aboriginal and native people are entitled to provide, wherever possible, their own child and family services and that all services to aboriginal and native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family.

Functions of the Children's Aid Society

The mandate of the Children's Aid Society is outlined in Section 15(3) of the *Child and Family Services Act* and states:

- a) Investigate allegations or evidence that children who are under the age of sixteen or are in the Society's care or are under its supervision may be in need of protection;
- b) Protect, where necessary, children who are under the age of sixteen (16) years or are in the Society's care or are under their supervision;
- c) Provide guidance, counseling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;
- d) Provide care for children assigned or committed to its care under this Act;
- e) Supervise children assigned to its supervision under this Act;
- f) Place children for adoption under Part 7 of this Act;
- g) Perform any other duties given to it by this or any other Act. (CFSA, s.15 (3)).

Role of School Board

The CFSA requires all professionals working with children, including teachers and school board personnel, to report promptly any situation where they believe that a child has suffered physical harm caused by the person in charge of the child or the child has been inadequately cared for or neglected.

District School Board personnel will cooperate with the CAS in the course of conducting any investigation related to child protection. This includes facilitating interviews, making meeting space available at the school to conduct interviews, ensuring timely communication and providing documentation where required under legislation.

District School Board personnel will consult with the CAS in any situation where there is doubt regarding the necessity to report and will act in accordance with the guidance of CAS personnel.

District School Board personnel will provide any pertinent information to the CAS which is necessary in conducting an investigation.

District School Board personnel and the CAS will work collaboratively in striving to maintain a normal environment for all students and staff during the course of an investigation.

Grounds for Protection

Under subsection 37(2) of the *Child and Family Services Act*, a child is in need of protection where:

- a) The child has suffered physical harm inflicted by the person having charge of the child or caused by the 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 a 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 a 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 other person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment;
- f) (1) 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 the actions, failure to act or pattern of neglect on the part of the child's parent or the person's having charge of the child;

- f) (2) The child has suffered emotional harm of the kind described in sub clause (f) (1) - (i), (ii), (iii), (iv) or (v) 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, services or treatment to remedy or alleviate the harm;
 - i) harm of the kind described in sub clause (f) (1) - (i), (ii), (iii), (iv) or (v) resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or person having charge of the child;
- g) There is a risk that the child is likely to suffer emotional harm of the kind described in sub clause (f) (1) - (i), (ii), (iii), (iv) or (v) and that the child's parent or other person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm;
 - i) 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;
 - ii) 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;
 - iii) the child is less than twelve (12) years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or other person having charge of the child does not provide, refuses or is unavailable or unable to consent to, those services or treatment;
 - iv) the child is less than twelve (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; or
 - v) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve (12) years of age or older, with the child's consent, to be dealt with under this Part. R.S.O. 1990, c. C.11, s. 37(2); 1999, c.2, s.9.



Duty to Report (Section 72) an Offence (Section 84)

The *Child and Family Services Act* provides that:

72(1) Despite the provision 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 grounds for protection, the person shall forthwith report the suspicion and the information on which it is based to a Society.

Ongoing Duty to Report:

72(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child.

Person Must Report Directly:

72(3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the CAS and shall not rely on any other person to report on his or her behalf.

Failure to Report:

72(4) A person referred to in subsection 72 (5) is guilty of an offence if,
a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and
b) the information on which it was based was obtained in the course of his or her professional or official duties.

Application of Subsection (4)

Subsection (4) applies to every person who performs professional or official duties with respect to a child, including,

- a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;
- b) a teacher, school Principal, social worker, family counsellor, a religious official, priest, rabbi, member of the clergy, operator or employee of a day nursery and youth and recreation worker;
- c) a peace officer and a coroner;
- d) a solicitor; and
- e) a service provider or an employee of a service provider.

72(6.1) A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence.

72(6.2) A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than \$1,000.00.



REMEMBER ...

- ❖ It is your duty to report.
- ❖ It is the responsibility of the Children's Aid Society and the Police Services (where involved), to investigate all reports of child protection and to determine if the child protection concerns have been verified.
- ❖ When in doubt about whether you have reasonable grounds to report child protection, contact an Intake Worker at the Children's Aid Society in/at:
 - Durham: (905) 433-1551 or 1-800-461-8140
 - Highland Shores: Cobourg office: (905) 372-1821
Belleville office: (613) 962-9291
Toll free (for both locations): 1-800 267-0570
 - Kawartha-Haliburton: (705) 743-9751 or 1-800-661-2843

Offence:

No person shall:

- 84 a) knowingly give false information in an application under the Part; or
- b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker or peace officer who is acting under sections of the CFSA.

Confidentiality of Reporting

As a general practice, the Children's Aid Society will withhold the name of the reporting individual; however, the reporter's name cannot be kept confidential where his/her testimony is required or used in any Court proceedings. Sometimes, it is in the child's best interest for the Children's Aid Society to be able to identify the source of the report. In those cases, the investigating worker will seek to gain consent from the reporter.

Risks to Younger Siblings and Other Children

For purposes of child protection, under the CFSA, a child is a person who is under sixteen (16) years of age. Children sixteen (16) years of age or older but under age eighteen (18) are included only if they are the subject of an order under Part III of the Act (Child Protection), prior to their sixteenth (16th) birthday. Youth who are sixteen (16) to seventeen (17) years old who are not the subject of an order under Part III are not the subject of child abuse investigations. Allegations regarding abuse of these persons are more appropriately handled by police.

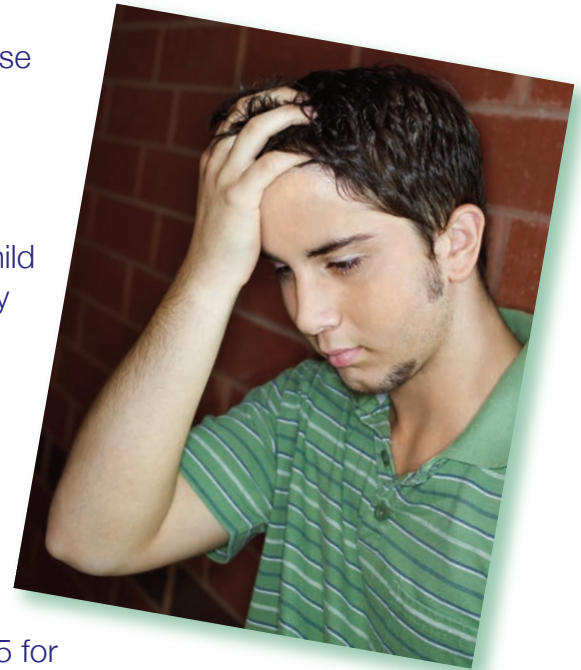
However, if the school is aware that the sixteen (16) to seventeen (17) year old has younger siblings, the school is also required to notify the Children's Aid Society due to potential child protection issues regarding the siblings. In these cases, both the Children's Aid Society and the Police Services will be notified.



Past Abuse

The Children's Aid Society occasionally receives complaints from the victims of child abuse concerning abuse alleged to have occurred in the past when under the age of sixteen (16). In some instances, the abuse was alleged to have taken place many years ago.

The person over the age of sixteen (16) who reports past abuse should be encouraged to report the abuse to the police and should be encouraged to take advantage of whatever victim assistance and legal assistance resources exist in the community. The Children's Aid Society will initiate an investigation only if there is an allegation or evidence that a child or children under the age of sixteen (16) may be at risk or may have been harmed.



When and How to Report

If an individual has reasonable grounds to suspect a child is or may be at risk of harm, the individual will immediately contact the Children's Aid Society directly. See pages 4 and 5 for grounds for protection. **When in doubt**, contact the Children's Aid Society to discuss and consult with non-identifying information. If, during the course of the consultation, the CAS decides that the information constitutes a child protection matter, then the caller will be asked to provide the identifying information.

With issues such as neglect or sibling/peer relations or other matters, it is often hard to know if you should report. You may feel that your information may not be enough to warrant a CAS intervention, however, it is important to appreciate that your information is one piece of the puzzle and the Society may have additional information that may prompt the Society to intervene. The CAS worker may also be able to, with your assistance, create a plan to gather additional information and support the child.

Once a referral is made, the Society will assess the information and determine the most appropriate response in keeping with the severity of the situation and known family strengths. The Society may provide a variety of services and an investigation is only one type of response. The CAS attempts to tailor its response to a reported family to address the unique circumstances that they face. When the assessed severity of the concerns is very low or there are sufficient supports already in place, the CAS may document the report and deem further activity unwarranted or establish a plan with the reporting source. Where the reported risk is assessed to be low, a Society may provide a short-term telephone service to connect a family with community services and resources. In situations where the reported risks are assessed to be significant, investigation and assessment, including face to face contact with family members, is necessary. During the referral process, the CAS can provide a general description of the



range of responses and services that the Society may provide to a family.

It is recognized that schools often wish to be informed about the disposition of referral and investigation, however, the CFSA does not allow for the release of the information without the parent's consent. The CAS will, however:

- ❖ Discuss with the person reporting the critical role that concerned community members have in protecting children;
- ❖ Ask if the reporter is open to being identified;
- ❖ Ask how the reporter has been or might be helpful to the family;
- ❖ Discuss the reporter's ongoing duty to report;
- ❖ Describe to the reporter how the Children's Aid Society may respond to his/her report, including options of no direct contact, telephone contact with information about helpful community services or child protection investigation time frames;
- ❖ Discuss with the reporter the CFSA requirements for confidentiality and assure the reporter that, although he/she may not receive a direct report back from the CAS, the matter is being considered for one of the response options outlined above.

When a referral is made to the Children's Aid Society and it is determined by the Children's Aid Society that an investigation is warranted due to possibility of violation of the criminal code, Police Services will be contacted by the Children's Aid Society. Throughout the Police/CAS investigation, work with the schools will be collaborative. The investigative team will communicate with the school to the full extent possible.

School and child care personnel will NOT conduct an investigation or make inquiries of the child regarding a suspicion or disclosure of abuse. It is the responsibility of the CAS and/or police to investigate, gather evidence, assess the child and family's situation and decide on the appropriate action to be taken on behalf of the child.

In some situations, the cause of a child's injuries, the nature of the child's disclosure or the behaviours observed are not clear. BEFORE speaking further with a child or caregiver,

school/child care personnel will consult with the CAS to discuss the appropriateness of clarifying a situation and to obtain direction.

Investigation Process

Whenever a report is made to the CAS that results in the need for an investigation to occur on school premises, the Principal or designate and the CAS staff shall follow the procedure as identified in this protocol.

a) Identification of Investigating Worker and Notice of Investigation:

The CAS will contact the Principal or designate prior to arriving at the school. Should neither be available at the time of the call, the worker will communicate with the school secretary who will facilitate the appropriate contact. The Investigating Worker will:

- ❖ Identify himself/herself by name;
- ❖ Inform the school whether a team approach, involving a police officer, will be used to investigate the referral;
- ❖ Advise the school of the time the Investigating Worker or Team will arrive;
- ❖ Advise the school that a private meeting space will be required.

b) Upon arrival at the school, the Investigating Worker or Team will:

- ❖ Meet with the Principal or designate;
- ❖ Provide an agency identification card;
- ❖ Request pertinent information regarding the child including any relevant observations of interactions and behaviour;
- ❖ Request to interview the child and siblings if they attend the same school. The Principal or designate will extend full cooperation to the investigators, recognizing that unnecessary changes in the child's environment can further traumatize the child.

c) Before interviewing the child:

The Investigating Worker or Team will:

- ❖ Where interviewing the child on school premises presents a safety concern for the child, other children or school personnel, the CAS will consider removing the child from school premises for the interview;
- ❖ Determine when the legal guardian(s) will be contacted;
- ❖ Taking into account the wishes of the child, determine whether an adult support person will be present at the school interview. Participation in a supportive role is a voluntary intervention by the Principal or designate and/or support person if requested by the Investigating Worker.

In situations where a support person or Principal or designate is present during the interview, their role will be limited to reassuring and providing support to the child.

In the event that the child previously disclosed to the support person and/or the Principal or designate, Police Services and/or the CAS may request that the support person and/or Principal or designate disclose that information in front of the child.

The support person and/or Principal or designate are required to document their involvement in the process after the session consistent with internal directives.

It is recognized that participation as a support person during any stage of the investigation could result in the support person acting as a witness in a court hearing.

The Principal or designate will provide appropriate private space for the interview.

d) During the interview:

- ❖ The Investigating Worker may request that the child remove articles of clothing to observe possible evidence of physical injury;
- ❖ The Investigating Worker will only request removal of clothing for bruises on public areas of the body (i.e. arms, legs and neck). If the bruises are believed to be in more private areas of the body, the Investigating Worker may take the child to be examined by a medical practitioner.

e) If information and/or evidence indicate a child is in need of protection during the investigation at the school:

The Investigating Worker:

- ❖ May apprehend the child;
- ❖ Will advise the Principal or designate if the child is apprehended;
- ❖ Will inform the child's legal guardian(s) of the apprehension or involvement before the end of the school day when possible.

f) When a child is apprehended:

Every CAS is mandated under the Child and Family Services Act to respond to situations where there is suspicion that a child is in need of protection. When a determination has been made by the CAS that the parent(s) or caregiver(s) of the child are not able to adequately care for the child, the CAS may apprehend. When the CAS takes a child off of school property for the purposes of interviewing, intervention or receiving medical attention as part of an investigation and where there is no written permission of the parents, the CAS must apprehend.

Upon apprehension, the child is in the interim care of the CAS. This means that the CAS becomes the interim guardian of the child and can make decisions based on the needs of the child. The child will be provided with a temporary place of safety, often with a family member or foster home. The CAS will maintain the status quo in planning for the child unless those plans are considered not to be in the best interest of the child.

The Society has five (5) calendar days to prepare the necessary court documentation and present the case in court or return the child home.

The Investigating Worker will:

- ❖ Whenever possible, advise the Principal or designate before the commencement of the next school day whether the child will be in class that day or if the child will be transferring to another school;
- ❖ If the child is transferring, notify the Principal or designate of the school to which the child will be transferring to begin the enrollment procedure;
- ❖ If the child remains at the same school, immediately advise the school of the child's alternate living arrangement (foster home, relatives) and identify any part of the safety plan that involves the school;
- ❖ The CAS worker and the Principal or designate will discuss the child's transportation needs.

g) Custody Issues:

The parties agree that the school cannot prevent a parent from taking a child off of school property or prevent access between a child and parent(s) unless the school is provided with a copy of the most recent court order that stipulates the type of contact.

h) Safety Planning:

Where the Society has determined that a safety plan is required that involves the school, the school will be advised and the school will inform the Society if there is any infraction of the plan.

If the child remains at home and it is determined that protection concerns exist, the worker may include the school as part of the safety plan for the child. The investigating worker will ask the school to inform the CAS of any information that would indicate that the risk to the child has increased or decreased.

Possible Outcomes of the Investigation

13.1 Reporting of Child Protection Involvement to the School

- a) When involved in a joint investigation, the CAS and Police Services share information about the investigation. Sharing of information with any other community service will require the following:
 - i) Consent from the child's parents or caregivers;
 - ii) Consent from the child who is twelve (12) years of age or older;
 - iii) Identification of the school as part of the safety plan for the child. In these cases, the school will be provided with information as it relates to their role in the safety plan.
- b) If the CAS gains wardship of the child and, therefore, becomes the child's legal guardian, they may choose to release information.
- c) The worker will provide the following:
 - i) The placement of the child (the name, address, contact number of the foster parents);
 - ii) The legal status of the child;
 - iii) Any concerns regarding parental contact (which will be put in writing to the school);
 - iv) The child's change in legal status and alternative placement such as the child returning home;
 - v) The name and contact number of the worker.

13.2 Reporting of Child Protection Involvement to Parents

The parent or caregiver who has custody of the child or had custody of the child prior to child protection involvement is entitled to a briefing on the outcome of the investigation by either the Society and/or Police. Parents or caregivers who do not have custody of the child are entitled to information or decision making of the agency that directly relates to them. Full disclosure to non-custodial parents can occur with custodial parent permission.

13.3 Reporting of the Investigation Outcome

Only the custodial parents, children identified as alleged victims of harm, the alleged perpetrator and Police Services (when involved in a joint investigation) will be directly informed of the outcome of the investigation unless the parents provide consent.

The Board will request release of information from any employee under investigation by the CAS.

13.4 Case Closure Following Investigation

In the event that the agency terminates its involvement with a family where the child remains at home, the worker may (given parental consent) inform the school in writing that the file has been closed and request the school to inform the CAS of any changes in circumstances that would believe to increase the risk to the children.

NOTE: All parties acknowledge that previous outcomes do not influence the ongoing duty to report - future concerns **must** be reported.

13.5 Children in Care

When a child is in the care of the CAS, the school will:

- ❖ Forward to the child's worker a copy of suspensions, report cards and other documentation (identifying behavioural or academic concerns) that is sent to the child's alternate caregiver.
- ❖ A copy to the agency will ensure follow up by the child's worker.

The CAS will:

Provide consent where requested. Consent may be provided by workers, foster parents or the parent depending on the child's status. Consent for emergency medical care and other assessment or treatment services are to be provided by agency staff (not foster parents). Foster parents can provide consent for trips and day to day activities. Where there is a request for financial support, the worker may need to seek approval from a supervisor.

- ❖ The student is taken to the local school to be registered by the foster parents, CAS worker or group home staff.
- ❖ Signing authority and emergency contact information must be clearly established at the time of registration time. Please see page 23 for a form that can assist with school registrations to be completed by the Children's Aid Society staff.
- ❖ Complete the school registration package and enroll the student in class. This process is also followed for students who may be identified but whose learning needs can adequately be addressed within the regular classroom setting.
- ❖ When a child(ren) transfer(s) from a different Board, the child can be registered with the school and the parties agree that, as per the Education Act, there will be an admission case conference prior to the child attending school. It is important that the school understand the child's needs and strengths so that staff can provide the most appropriate support and response to the child. The parties will make every effort to ensure that the necessary meetings are expedited and minimize the disruption to the child. The school contact is the Principal or designate of the new school where the child is going to attend.

In some cases, our children and youth have treatment needs that are greater than their present educational needs. Given the recommendations by a regulated health professional, a care and treatment program (often referred to as a "section program") may best meet the current needs of the individual. Placement into these programs is through the respective agency. School Board personnel will assist in the consultation and planning of the entrance to and demission from a care and treatment program. If such a placement in a care and treatment program is not available, the Boards and the CAS will collaborate to make the most appropriate transition into the home school or special educational placement that is available. In these instances the worker or the foster parent may attend the conference.



Student Program Placement

Students with High Needs for Children in Care:

Workers must contact the Principal at the receiving school as early as possible to commence a consultative and informed admission process.

Where students are presented with high needs that may require additional support and consideration, case conferencing is required to facilitate appropriate interventions including placement and programming.

The worker or the foster parent will contact the School Principal for the purposes of registration. The Children's Aid Society worker will participate in a case conference to facilitate the exchange of information and support program planning and placement, act as legal guardian and can make decisions within their authority.

Cooperation and Resolution

When service providers work together to assist and protect children, an understanding and appreciation of their respective roles is required. Working together requires cooperation, understanding and an attitude of good will. However, concerns or disagreements between service providers may arise from time to time. When concerns or disagreements do arise, it is fundamentally important that they be resolved quickly and in a way that builds cooperation.

To ensure continued good partnerships and cooperation, this Protocol requires that concerns be resolved at the level at which they occur, for example, between a worker from the CAS and the school teacher. It is only where there has been an unsuccessful attempt at resolution at this level that the concern should be referred to respective Supervisors.

Monitoring and Evaluation

A semi-formal review will occur one year following the signing of the Protocol.

Due to the importance of monitoring and evaluating the Protocol, it is recommended by the partners involved in this Protocol that there is a review of the contents every three (3) years. Any party may call for a review if needed at any time. The Protocol will be maintained by Kawartha-Haliburton Children's Aid Society. The reviews will be scheduled by the Society on an annual basis or as required. The reviews will take into consideration any changes in the applicable governing legislation and any policies or procedural changes that are required by the various parties to this agreement that mandate their respective services.

The purpose of monitoring and evaluating the Protocol is:

1. To ensure that the process in the Protocol is attending to the needs of the children.
2. To provide an ongoing avenue to update and make positive changes that provides more effective and coordinated services for children.
3. To ensure that Protocol participants are living up to the commitments that were agreed to as part of this document.



Protocol Education

The parties agree that ongoing education regarding the Protocol is necessary to the continued success of this Protocol. Therefore, the involved parties agree to ensure that the information is disseminated amongst the staff in all of our agencies.

Allegations Regarding School Board Staff

Each District School Board will have established procedures that identify the point of contact when allegations occur regarding Board staff.

With consent of the staff person being investigated, the Society can freely share information with the Board. Otherwise, the exchange of information without consent is limited to where there is a belief that other children may be at risk. Where information is to be shared with the Board, the Society will report outcomes of investigations to the Principal regarding staff at their school. The Principal will in turn consult with the Human Resources Superintendent. If the investigation is regarding a Principal, then a Superintendent is the point of contact with the Society. If the staff person is a substitute, the Superintendent is the point of contact.

If the allegation regarding a staff person is in relation to their own or other children in the community, then the Children's Aid Society will contact the Superintendent of Human Resources when there is a belief that other children may be placed at risk.



Legal Status of Children in Care

Children are admitted into CAS care or receive services through two approaches - voluntary agreement or by court order.

Temporary Care Agreements:

The caregiver has entered into a written agreement (including the child if over the age of twelve (12)) with the CAS to provide care to the child on a temporary basis. There is no court order and the agreement may be terminated by either party at any point. The parent continues legal guardianship of the child and decision-making rights. The Temporary Care Agreement cannot last longer than twelve (12) months.

Interim Care and Custody:

A Family Court Order that the CAS has temporary custody of the child during the course of an adjournment of a child protection hearing. This is not a final order and there is no defined period of care. The responsibility for decision-making may vary. It is best for the Principal to call and consult with the CAS worker.

Society Wardship:

A Family Court has determined that it is in the best interest of the child to be placed in care. The Wardship lasts up to twelve (12) months but may be extended to twenty-four (24) months. Generally, the parents retain access but the CAS assumes most of the daily parenting responsibility. Parents may have input into the child's care but final decision-making rights rests with the CAS.

Crown Wardship:

A Family Court Order has determined that it is in the child's best interest to be made a Permanent Ward of the Crown. Under this order, the Crown (CAS on behalf of the province) exercises the rights and responsibilities of a parent until the youth is discharged from care or turns eighteen (18). These orders can either be with or without parental access.

Children not in the care of the CAS:

Children may also be placed with family or community members but are not in the care of the Society. These are often referred to as kinship placements. In this situation, the caregivers have responsibility for the day-to-day activities of the child but the parents remain as the guardians and have decision-making authority. It is also possible that, in some situations, the caregivers have obtained custody of the children. The CAS, while not the custodians, will supervise the placement with the kinship family.

Customary Care:

Customary Care is an important option that is facilitated whenever possible for Aboriginal children who are not able to remain with their immediate family. It is a model of Aboriginal child welfare service that is based on the belief that a child is a sacred gift from the Creator. Customary Care is defined under the CFSA as "The care and supervision of an Indian or Native child by a person who is not the child's parent, according to the custom of the child's Band or native community." It is a family-based care model reflective of the culture, values and traditions of the child's parents and community. It recognizes that members of the child's immediate and extended family and community share responsibility in the provision of care to a child, who is or may be in need of protection.

Child Protection Protocol for Reporting Allegations Against Board Employees

A) When the alleged perpetrator is a Staff Member (not including Principal)

1. The staff member, having already made the report to the Children's Aid Society shall, as soon as possible, inform the Principal/Vice-Principal or the appropriate supervisor/manager that a report has been made and, if known, the identity of the alleged perpetrator. Following the report of allegations to the Children's Aid Society, the Children's Aid Society will direct the Principal/Vice-Principal on how and when to inform the alleged perpetrator.
2. For any report of suspected abuse against a Board employee, the Principal shall notify the Superintendent of Human Resource Services.
3. The Superintendent of Human Resource Services will review the information, including the direction from the Children's Aid Society, and then direct the Principal on how and when to inform the staff member of the allegation, the action taken and advise him/her to consult with his/her union or professional association. The Superintendent of Human Resource Services will contact the President of the Federation, union or professional association to advise of the allegation.
4. The Principal shall co-operate with the investigation under the direction of the Superintendent of Human Resource Services. The Principal or other persons shall not discuss with or interview any parties with respect to the alleged incident(s) except as directed by the Children's Aid Society, Police or Supervisory Officer of the Board.
5. The Superintendent and the Director of Education shall make a decision as to whether or not the staff member shall be removed from their current duties during the investigation by the Children's Aid Society and/or Police or during any subsequent internal investigation and, if so, how this action will be taken. The intent is that any interviews be conducted off site.
6. Subsequent to any investigation by the Children's Aid Society and/or Police, the appropriate Superintendent and the Director of Education shall determine if further internal investigation is required and who shall supervise any internal investigation undertaken.
7. Where the staff member has been removed, when directed by the Superintendent of Human Resource Services, the Principal shall inform the staff that the staff member has been reassigned. The parents/guardians of the students in the same class as the alleged victim will be informed of the reassignment only when the Principal is directed to do so by the Superintendent of Schools.



B) When the alleged perpetrator is a Principal

1. The staff member making the report shall inform the appropriate Superintendent of Schools that a report has been made to the Children's Aid Society.
2. The Superintendent of Schools shall notify the Director of Education. A decision shall be made by the appropriate Superintendent and the Director of Education as to whether the Principal shall be removed from their current duties during investigation by the Children's Aid Society and/or Police or during any subsequent internal investigation and, if so, how this action will be taken.
3. Subject to the direction of the Children's Aid Society, the Superintendent of Schools shall notify the Principal of the accusation made, the action taken and advise him/her to seek counsel and/or consult his/her professional association.
4. Subsequent to an investigation by the Children's Aid Society and/or Police, the Director of Education and the appropriate Superintendent shall determine if further internal investigation is required and who shall supervise any internal investigation undertaken.
5. Where the Principal has been removed, the Superintendent of Schools shall inform the school staff that the Principal has been reassigned.





Allegations Against School Staff or Board Employees Child Protection: Protocol for Reporting

A) When the alleged perpetrator is a Staff Member (not including Principal)

1. The staff member, having already made the report to the Children's Aid Society, shall as soon as possible inform the Principal/Vice-Principal or the appropriate supervisor/manager that a report has been made and, if known, the identity of the alleged perpetrator. Following the report of allegations to the Children's Aid Society, the Children's Aid Society will direct the Principal/Vice-Principal how and when to inform the alleged perpetrator.
2. If the alleged perpetrator is:
 - a) a custodian or maintenance staff member, the Principal shall notify the Controller of Plant, the Manager of Human Resources and the Superintendent of Schools;
 - b) any other staff member, the Principal shall notify the Superintendent of Schools and the Manager of Human Resources.
3. The Superintendent of Schools will review the information, including the direction from the Children's Aid Society, and then direct the Principal how and when to inform the staff member of the allegation, the action taken and advise him/her to consult with his/her federation, union or professional association. The Superintendent of Schools will contact the president of the federation, union or professional association to advise of the allegation.
4. The Principal shall co-operate with the investigation under the direction of the Superintendent of Schools. The Principal or other persons shall not discuss with or interview any parties with respect to the alleged incident(s) except as directed by the Children's Aid Society, Police or Supervisory Officer of the Board.
5. A decision shall be made by the appropriate Superintendent and the Director of Education as to whether or not the staff member shall be removed from their current duties during investigation by the Children's Aid Society and/or Police or during any subsequent internal investigation and, if so, how this action will be taken. The intent is that any interviews be conducted off site.
6. Subsequent to any investigation by the Children's Aid Society and/or Police, the appropriate Superintendent and the Director of Education shall determine if further internal investigation is required and who shall supervise any internal investigation undertaken.
7. Where the staff member has been removed, when directed by the Superintendent of Schools, the Principal shall inform the staff that the staff member has been reassigned. The parents/guardians of the students in the same class as the alleged victim will be informed of the reassignment only when the Principal is directed to do so by the Superintendent of Schools.

B) Where the alleged perpetrator is a Principal

1. The staff member making the report shall inform the appropriate Superintendent of Schools that a report has been made to the Children's Aid Society.
2. The Superintendent of Schools shall notify the Director of Education. A decision shall be made by the appropriate Superintendent and the Director of Education as to whether the Principal shall be removed from their current duties during investigation by the Children's Aid Society and/or Police or during any subsequent internal investigation and, if so, how this action will be taken.
3. Subject to the direction of the Children's Aid Society, the Superintendent of Schools shall notify the Principal of the accusation made, the action taken and advise him/her to seek counsel and/or consult his/her professional association.
4. Subsequent to an investigation by the Children's Aid Society and/or Police, the Director of Education and the appropriate Superintendent shall determine if further internal investigation is required and who shall supervise any internal investigation undertaken.
5. Where the Principal has been removed, the Superintendent of Schools shall inform the school staff that the Principal has been reassigned.

C) Where the alleged perpetrator is a Supervisory Officer

1. The staff member making the report shall inform the Director of Education that a report has been made to the Children's Aid Society.
2. A decision shall be made by the Director of Education as to whether the supervisory officer shall be removed from their current duties during investigation by the Children's Aid Society and/or Police or during any subsequent internal investigation and, if so, how this action shall be taken.
3. Subject to the direction of the Children's Aid Society, the Director of Education shall notify the supervisory officer of the accusation, the action taken and advise him/her to seek counsel.
4. Where a supervisory officer has been removed, the Director of Education shall inform the other supervisory officers that the person has been reassigned.





KAWARTHA PINE RIDGE
DISTRICT SCHOOL BOARD

Administrative Regulations

This Administrative Regulation is written in accordance with the guiding principles in Policy ES-1.1, Safe Schools.

The Board recognizes that every person who “has reasonable grounds to suspect a child is in need of protection” has a duty to report to the Children’s Aid Society.

The duty to report is outlined in the *Child and Family Services Act*.

1. Child in Need of Protection – Duty to Report

A person, who performs professional or official duties with respect to children and has reasonable grounds to suspect one (1) of the following, shall report the suspicion and the information to an appropriate Children’s Aid Society.

This includes suspicion that:

- 1.1 The child has suffered, or is at risk of suffering, physical harm inflicted by the parent(s)/guardian(s)/caregiver(s) or caused by that person’s:
 - 1.1.1 failure to adequately care for, provide for, supervise or protect the child; or
 - 1.1.2 pattern of neglect in caring for, providing for, supervising or protecting the child.
- 1.2 The child has been, or is at risk of being, sexually molested or sexually exploited:
 - 1.2.1 by the parent(s)/guardian(s)/caregiver(s), or
 - 1.2.2 in a situation that the parent(s)/guardian(s)/caregiver(s) is aware of and fails to protect the child.
- 1.3 The child requires treatment for:
 - 1.3.1.1 a medical condition to cure, to prevent, to alleviate physical harm or suffering; or
 - 1.3.1.2 a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development and the child’s parent(s)/guardian(s)/caregiver(s) can not, or will not, consent to the treatment.
- 1.4 There are reasonable grounds to believe the child has suffered emotional harm demonstrated by serious:
 - 1.4.1.1 anxiety
 - 1.4.1.2 depression
 - 1.4.1.3 withdrawal
 - 1.4.1.4 self-destructive or aggressive behaviour, or
 - 1.4.1.5 delayed development – resulting from the actions, failure to act, or pattern of neglect on the part of the child’s parent(s)/guardian(s)/caregiver(s).

- 1.5 If the child has been abandoned, or the child's parent(s)/guardian(s) has died or is unavailable to make adequate provision for the child's care or custody, a report must be made to a Children's Aid Society.
- 1.6 The child is under twelve (12) years and has, on more than one occasion, repeatedly and/or seriously
 - 1.6.1 injured another person,
 - 1.6.2 killed a person, or
 - 1.6.3 caused loss or serious damage to property.

This applies to situations where the parent(s)/guardian(s)/caregiver(s) refuse services and treatment to prevent recurrence.

2. Ongoing Duty to Report Child in Need of Protection

It is the responsibility of any person who has made a previous referral to the Children's Aid Society to make a further report if there are added reasons to report to the appropriate Children's Aid Society.

3. Reporting Procedures Child in Need of Protection

- 3.1 The staff member, who suspects a child is in need of protection, is responsible for initiating and reporting immediately the reasons for the suspicion directly to the appropriate Children's Aid Society.
- 3.2 When a school volunteer suspects that a child is in need of protection, the volunteer will report the concern to the Principal. The Principal shall assume the responsibilities to report to the appropriate Children's Aid Society as the staff initiator.
- 3.3 The staff initiator of any call to the Children's Aid Society shall advise the Principal or designate of the call, the information shared including recommendations, actions and outcomes of the call. The call may be made in conjunction with the Principal, or designate, but it is still the initiator's responsibility to report.
- 3.4 The staff initiator of a report to the Children's Aid Society shall
 - 3.4.1 comply with the directions from the Children's Aid Society with respect to informing the child, detaining the child, communicating with the parent(s)/guardian(s), if appropriate.
 - 3.4.2 complete the Reporting Form – Suspicion of Child in Need of Protection provided in **Child in Need of Protection Guidelines** located in the **Safe Schools** document.
- 3.5 In the case of the Principal, Supervisor or Superintendent having allegations made against them, the reporting employee will consult with the next level of Supervisor to complete documentation and proceed with the process.
- 3.6 The Principal, or designate, will inform the appropriate supervising Superintendent immediately following the reporting of suspected abuse by an employee.
- 3.7 It is the responsibility of the Principal, or designate, to review the Duty to Report with all staff and reporting procedures with all staff and school volunteers.

Ensuring Student Safety and Protection Together
Joint Children's Aid Society and School Board Protocol Initiative

Notification Information

Child's Name: _____ **Date of Birth:** _____
Grade: _____ **Previous School:** _____
Child Resides with: _____ **Relationship to Child:** *foster parent, kinship family, group home staff, worker, other* _____
Address: _____

Home phone: _____ **Cell Phone:** _____
Children's Aid Society: Durham Highland Shores Kawartha-Haliburton
Child's CAS Worker: _____ **Phone Number:** _____
Child's Legal Status: Parental Agreement to Reside with Family/Friend (kinship)

Parental Agreement to Reside in CAS Care (TCA)
CAS Interim Wardship
CAS Wardship
Crown Wardship

Notifications: **Daily school activities and fees:** (circle one) *foster parent, kinship family, group home staff, worker, other* _____
Educational Reports: (circle one) *foster parent, kinship family, group home staff, worker, other* _____
IEP/Special Needs related: (circle one) *foster parent, kinship family, group home staff, worker, other* _____
Financial matters: (circle one) *foster parent, kinship family, group home staff, worker, other* _____
Behavioural matters: (circle one) *foster parent, kinship family, group home staff, worker, other* _____
Other: (circle one) *foster parent, kinship family, group home staff, worker, other* _____

Signed: _____ Date: _____

Acknowledgements

The participants involved in the preparation of this document were:

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Kawartha-Haliburton Children's Aid Society

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