

DUE PROCESS TIPS

If you are informed that you are the subject of a child protection investigation involving a student:

DO

- Express your willingness to cooperate but let the person conducting the investigation know that you are unable to comment until contacting an OSSTF/FEESO representative.
- **Immediately** contact your OSSTF/FEESO Bargaining Unit President and/or Workplace representative. If unable to reach a local representative, contact Provincial Office.
- Inquire about your procedural rights, the process, location of the interview and possible outcomes of the child protection investigation.

DO NOT

- Do not talk to or communicate with colleagues or anyone else about the investigation. They may be placed in a position of being witnesses.
- Do not provide a written statement about an incident without consulting your Branch/Workplace, Bargaining Unit representative, District or Provincial Office contact.

The Federation provides assistance to defend members against allegations that are related to the member's professional duties or employment responsibilities.

QUESTIONS YOU HAVE A RIGHT TO ASK:

- ✓ What is the location and time of my interview?
- ✓ What are the possible outcomes of an investigation?
- ✓ Are you obligated to inform my employer regarding the outcome of the investigation?
- ✓ Where will information regarding the outcome of the investigation be kept?
- ✓ If I have concerns regarding the service I receive from a CAS, what is the process to have my concerns addressed?



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This pamphlet was developed in consultation with and is endorsed by the Ontario Association of Children's Aid Societies (OACAS)



Guidelines for members

Children's Aid Societies &
OSSTF/FEESO Members



REFERRALS INVOLVING OSSTF/FEESO MEMBERS

GUIDELINES FOR MEMBERS

*What to do if **you**, in your role as a school board employee, are the subject of a Child Protection investigation.*

If you are the subject of a child protection investigation, a Children's Aid Society (CAS) is required to respond under the **Child and Family Services Act**, R.S.O. 1990 (CFSA). The paramount purpose of this Act is to promote the best interests, protection and well being of children in Ontario.

The investigation will be conducted by one of fifty-three Children's Aid Societies (CASs) in Ontario. CASs are required by law to conduct investigations and take measures to protect children from abuse and neglect. Ontario's Children's Aid Societies received over 155,000 referrals and completed over 78,000 investigations in 2008-2009.

While all members of the public are responsible for the protection, care and safety of Ontario's children, OSSTF/FEESO members in our elementary and secondary schools should be familiar with their duties, rights and responsibilities associated with the CFSA, given their professional role with children.

OSSTF/FEESO members should know what to do and what to expect if they are the subject of a child protection investigation.

Phone: Your local OSSTF/FEESO district

ONTARIO CHILD WELFARE: THINGS TO KNOW

OSSTF/FEESO members, in their roles as school board employees, are considered community caregivers.

Source: Child Protection Standards in Ontario (February 2007)

DUTY TO REPORT

A person who has reasonable grounds to suspect that a child is or may be in need of protection must promptly report the suspicion and the information upon which it is based directly to a Children's Aid Society. This person has an ongoing duty to make further reports if they have additional reasonable grounds to suspect that a child is or may be in need of protection. This person must report these concerns directly to a Children's Aid Society and must not rely on anyone else to report on their behalf. (CFSA s.72)

Under the provisions of the CFSA, a professional person is defined and subject to an offence if they fail to report information related to a child in need of protection obtained in the course of their professional duties. This includes filing a child protection report involving a colleague. (CFSA s.72)

Under OSSTF/FEESO Bylaw 5.2, members are required to notify fellow OSSTF/FEESO colleagues of any adverse report. However, this bylaw also states that this requirement does not apply when an OSSTF/FEESO member files a report with a CAS that involves a colleague.

POLICE INVOLVEMENT IN CHILD PROTECTION INVESTIGATIONS

OSSTF/FEESO members should be aware that if the information received alleges that a criminal offence may have been perpetrated against a child, the local CAS must immediately inform police. CASs must work with the police according to established protocols for investigation.

Source: Child Protection Standards in Ontario (February 2007)

INVESTIGATIONS OF COMMUNITY CAREGIVERS

Child protection investigations involving OSSTF/FEESO members, in their roles in school settings, follow specific standards set out by the Ministry of Children and Youth Services.

A child protection investigation is generally completed within a maximum of two months of receipt of the referral.

At the conclusion of an investigation, you will be notified, in writing, of the outcome. One of the following dispositions will be referenced in the report:

Inconclusive: Critical information necessary for establishing the probability that abuse occurred or did not occur, cannot be obtained. (This conclusion is not used as a "default" for cases where the decision to verify or not to verify is difficult to make.)

Not Verified: A decision that, on the balance of probabilities, it is **not** "more probable than not" that the harm or risk of harm has occurred.

Verified: A decision that, on the balance of probabilities, it is more probable than not that the harm or risk of harm has occurred, currently exists, or is likely to occur.

A verification decision by a CAS must be made even if the subject of the investigation does not agree to participate in an interview.

CASs are required to place information regarding the investigation on a child protection provincial database.

CASs are required to provide the outcome of the investigation to the institution administrator, and may be required to provide this information to other parties, to ensure the protection of children.

If you have concerns with the service you receive from a CAS, you may ask the CAS for the process to have these concerns addressed.

Source: CFSA; Child Protection Standards in Ontario (February 2007)