



ADMINISTRATIVE PROCEDURE	
Approval Date 2019	Replacing All previous policies
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Contact Person/Department Superintendent Responsible for Safe Schools	Identification OP – 6506

DUTY TO REPORT CHILDREN IN NEED OF PROTECTION

1.0 PURPOSE

Trillium Lakelands District School Board is committed to maintaining safe and caring learning environments for students. From time to time, situations may occur where child abuse, neglect or maltreatment is suspected. Trillium Lakelands District School Board recognizes and accepts its responsibilities under legislation to protect the safety of children in relation to child abuse, neglect or maltreatment concerns.

Furthermore, the board accepts responsibility, in collaboration with local agencies and police services as appropriate, for the provision of procedures for reporting suspected child abuse, neglect or maltreatment, as well as for the investigation of suspected child abuse, neglect or maltreatment where concerns relate to school or board situations.

2.0 REFERENCES/RELATED DOCUMENTS

- 2.1 [The Criminal Code of Canada](#)
- 2.2 [The Occupational Health and Safety Act](#)
- 2.3 [The Municipal Freedom of Information and Protection of Privacy Act \(MFIPPA\)](#)
- 2.4 [The Education Act, R.S.O., 1990, c.E2](#)
- 2.5 [Child Youth and Family Services Act, R.S.O., 2017](#)
- 2.6 [PPM 128: The Provincial Code of Conduct and School Boards Code of Conduct](#)
- 2.7 [PPM 145: Progressive Discipline and Promoting Positive Student Behaviour](#)
- 2.8 [PPM 9: Duty to Report Children in Need of Protection](#)
- 2.9 [BD 2120 and BD 2121 TLDSB Privacy and Information Management Policy and Procedure](#)
- 2.10 [BD 2030 and BD 2031 TLDSB Freedom of Information and Protection of Privacy Policy and Procedure](#)
- 2.11 [OP 6020 and OP 6021 TLDSB Code of Conduct Policy and Procedure](#)
- 2.12 [HR 4534 and HR 4535 TLDSB Progressive Discipline Policy and Procedure](#)
- 2.13 Child Protection Protocol (between TLDSB & local Children’s Aid Societies)
- 2.14 Police Protocol (between TLDSB & local Police Services)
- 2.15 Employee Collective Agreements and Terms and Conditions of Employment
- 2.16 [OCT Advisory](#)

3.0 TERMS AND DEFINITIONS

3.1 AGE OF PROTECTION FOR CHILDREN

- 3.1.1 If someone has reasonable grounds to suspect that a child under 16 is or may be in need of protection, they **must** make a report directly to a Children’s Aid Society.

3.1.2 If someone has reasonable grounds to suspect that a child who is 16 or 17 years old is or may be in need of protection, they *may* make a report directly to a Children's Aid Society.

3.2 CHILD ABUSE, NEGLECT OR MALTREATMENT

Any act of omission or commission by a parent, caregiver or person in a position of trust or authority with a child that results or may result in physical, sexual or emotional harm to that child.

3.3 CHILDREN'S AID SOCIETY (CAS)

A Ministry-approved agency charged with the responsibilities outlined in the Child, Youth and Family Services Act.

3.4 DUTY TO REPORT

Anyone who has reasonable grounds to suspect that a child under the age of 16 is or may be in need of protection must promptly report the suspicion and the information upon which it is based to a Children's Aid Society.

3.5 ONGOING DUTY TO REPORT

Even if an individual knows a report has already been made about a child who is under 16, a further report to the Children's Aid Society must be made if there are additional reasonable grounds to suspect that the child is or may be in need of protection.

3.6 REASONABLE GROUNDS

Reasonable grounds refers to the information that an average person, using normal and honest judgment, would need in order to decide to report their concerns to a Children's Aid Society. It is not necessary for an individual to be certain a child is or may be in need of protection to make a report to a Children's Aid Society.

4.0 DUTY TO REPORT CHILDREN IN NEED OF PROTECTION PROCEDURE

4.1 DUTY TO REPORT TO A CHILDREN'S AID SOCIETY IMMEDIATELY

4.1.1 If any person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect that a child is or may be in need of protection, the act requires that the person report their suspicions *immediately* to a Children's Aid Society and provide the information on which the suspicions are based.

4.1.2 Subsection 125(4) of the act clarifies that, if the child is 16 or 17 years old, there is no *duty* to make a report, but a person *may* make a report concerning older children under a circumstance or condition described in the grounds for reporting (section 4.7).

4.2 EDUCATION PROFESSIONALS: CONSEQUENCES OF FAILURE TO REPORT

4.2.1 Subsection 125(5) of the CYSFA makes it an offence for every person performing professional or official duties to fail to report with respect to a child they suspect is or may be in need of protection.

4.2.2 The act states that if educational professionals obtain information in the course of performing their professional or official duties that leads them to suspect that a child is or may be in need of protection, they must report this suspicion, and if they do not, they are liable upon conviction of the offence to a fine of up to \$5000.

4.3 LIABILITY

4.3.1 An individual cannot be held liable for making a report as long as there are reasonable grounds for suspicion and there is no malicious intent (CYSFA 125 s. 10).

4.3.2 The employee's duty to report shall override the provisions of any other provincial statute, specifically those provisions that would otherwise prohibit disclosure of confidential information by the professional or official.

4.4 PROTECTION OF PRIVACY

4.4.1 The general intent of access to information and protection of privacy legislation is to regulate the collection, use and disclosure of personal information. Wherever possible and reasonable, consent to disclose personal information should be obtained, however the legislation also allows for the release of personal information if there is imminent threat to the health and safety of another person or persons (Part II, 32(h), MFIPPA).

4.5 CONFIDENTIALITY OF REPORTER

4.5.1 TLDSB employees shall make every effort to ensure the confidentiality of the name of the reporting individual.

4.5.2 The law does not require parents to be informed as to who filed the report nor is the name of the reporter included in the Child Abuse Register; however, the reporter's name cannot be kept confidential where his/her testimony is required in Court and/or records belonging to the Society are subpoenaed.

4.6 CHILD PROTECTION PROTOCOL

- 4.6.1 The Child Protection Protocol between the board and the Children's Aid Societies within the District outlines the process and responsibilities for the investigation of child abuse, neglect or maltreatment.
- 4.6.2 The Protocol shall be established and reviewed as necessary and will ensure that all parties' roles and responsibilities for investigating and reporting are addressed.

4.7 GROUNDS FOR REPORTING

- 4.7.1 Despite the provisions 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 one of the following (section 125 (1) CYFSA), the person shall forthwith report the suspicion and the information on which it is based to a society:
- 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 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 abused 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 abuse or sexual exploitation and fails to protect the child.
 - d) There is a risk that the child is likely to be sexually abused or sexually exploited as described in section c), above.
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- 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 where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.
- f) 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 having charge of the child.

- g) The child has suffered emotional harm of the kind described in section f), above, and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, 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 section f), above, 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 section f), above, and that the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable 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 the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
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- k) The child's parent has died or is unavailable to exercise 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.
- l) The child is younger than 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 the person having charge of the child does not provide services or treatment or access to services or treatment, or where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to treatment.
- m) The child is younger 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.

4.8 REPORTING: GENERAL GUIDELINES

- 4.8.1 The employee or volunteer must immediately report any suspicions that a child is or may be in need of protection directly to the Children's Aid Society.
- 4.8.2 The Child, Youth and Family Services Act requires that the individual who received the information must report directly to the Children's Aid Society and shall not rely on any other person to report on their behalf.
- 4.8.3 It is the responsibility of and expectation that the principal (or designate) provide support and release time to the employee or volunteer (if required) to facilitate the call to the Children's Aid Society.
- 4.8.4 Any employee or volunteer working in a school must inform the principal (or designate) if they have made a report to the Children's Aid Society.
- 4.8.5 The reporting individual must complete a reporting form (Appendix 5.1) for internal use when making a child protection referral.
 - a) The completed form will serve as documentation that the report has been made.
 - b) The report form must remain confidential and be filed in a secure location designated for this purpose in the school office. Access to this file will be through the principal (or designate) only.

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- c) The principal (or designate) will make a confidential note pertaining to the Children's Aid Society report within the electronic student information system (e.g. 'Report to CAS occurred').
- 4.8.6 The checklist in Appendix 5.2 may assist staff in navigating their conversation with the Children's Aid Society.
 - 4.8.7 Once initial contact with the Children's Aid Society has been completed, the principal (or designate), in consultation with the protection worker, will determine the need to alter any standard school procedures concerning how or when the child will return home and to establish a future communication process if necessary.
 - 4.8.8 An individual may phone the Children's Aid Society to consult about a situation but should be prepared with the relevant information and documentation (Appendix 5.1 & 5.2) if the protection worker determines the information must be reported.
 - 4.8.9 The duty to report is an ongoing obligation. If a person has made a previous report about a child and has additional, reasonable grounds to suspect that the child may be in need of protection, the person must make a further report to a Children's Aid Society.
 - 4.8.10 Every effort will also be made to support the reporting individual where negative repercussions are experienced and/or are likely to be experienced by that individual as a result of their report to the Children's Aid Society.
 - 4.8.11 If allegations are being made regarding school staff or other board employees please refer to section 4.9
- 4.9 REPORTING: OTHER PROCESSES
- 4.9.1 All staff have the legal duty to report to CAS when they witness, receive a disclosure of, or suspect child abuse, neglect or maltreatment.
 - 4.9.2 Internal TLDSB reporting processes and responsibilities may differ depending on the role of the alleged offender.
 - 4.9.3 Where the alleged offender is a TLDSB employee, following the report to CAS, the reporting individual should make an internal report to the appropriate supervisor.
 - a) If the alleged offender is a TLDSB staff member working in a school, contact the school principal;
 - b) If the alleged offender is a Principal, contact the School Superintendent;
 - c) If the alleged offender is a Superintendent, contact the Director of Education;
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- d) If the alleged offender is the Director of Education, contact the Chair of the Board;
- e) If the alleged offender is a TLDSB staff member working in a central office, contact the appropriate manager/supervisor.

4.9.4 Appendix 5.3 outlines the different TLDSB reporting processes for the following role groups:

- a) internal (TLDSB) staff;
- b) external individuals working in a school;
- c) external caregiver, student or other.

4.9.5 Where there is an alleged offender, and reports have been made to the CAS , the following factors will be *considered* (if required, depending on the circumstance) in consultation with the appropriate supervisor (see Appendix 5.3):

- a) internal investigation processes to support Safe Schools legislation;
- b) parent/guardian communications (in consultation with communications department);
- c) supervision/safety considerations/requirements;
- d) notifying parent or guardian;
- e) messaging staff and school community.

4.10 COMMUNICATIING WITH CAS REGARDING INVESTIGATIONS

4.10.1 During the course of an open investigation, CAS may request further information from the reporter or school personnel. As long as CAS still has an open investigation related to the report made, information can be shared.

4.10.2 If CAS requests information regarding a student who was the subject of a past investigation and/or a concern that was reported by an employee at the school however the case is now closed, the school should confirm the legal authority (court order, provision under the CYSFA or other legal consent) for any further information sharing to occur. The school principal may wish to consult with their Supervisory Officer if it is not clear if sharing of information is permissible to ensure that inappropriate disclosures do not occur.

4.11 COMMUNICATION WITH TLDSB STAFF REGARDING DUTY TO REPORT

4.11.1 The duty to report will be communicated annually to staff and the wider community in order that all involved are clear on the processes, policies, procedures and protocols that Trillium Lakelands District School Board and individual schools will follow.

4.11.2 Based on their roles and responsibilities within the board, all TLDSB employees will receive communication and reminders regarding the procedures and protocol associated with reporting and investigating suspected child abuse, neglect or maltreatment.

5.0 APPENDICES

- 5.1 Reporting Suspected Child Abuse, Neglect or Maltreatment Form
- 5.2 Checklist For Conversation with CAS
- 5.3 TLDSB Reporting Processes



**REPORTING AND INVESTIGATION OF SUSPECTED CHILD ABUSE, NEGLECT OR MALTREATMENT
BD-6506 Appendix 5.1**

**REPORTING SUSPECTED CHILD ABUSE, NEGLECT OR MALTREATMENT FORM
CONFIDENTIAL**

Date: _____ Time of Call: _____

Person Making the Report: _____ Signature: _____

Principal/Designate: _____ Signature: _____

Name of Student: _____ D.O.B.: _____ Grade: _____

School: _____

If a child of concern attends another school, has the Principal of that school been notified? Yes/ No

Name	Complete Address	Home Phone	Business Phone
Parent			
Parent			
Guardian:			

Custody Status:

Family Doctor:

Names of Siblings	Age	Grade	School
Other children who may be at risk:			

The personal information provided on this form is collected by the Trillium Lakelands District School Board under the authority of the Education Act, Freedom of Information and Protection of Privacy Act / Municipal Freedom of Information and Protection of Privacy Act and TLDSB Policy BD-2030/2031. The information will be used in circumstances where safety of a child is of concern] or as otherwise permitted /required by law. The information will be used in accordance with the Education Act, the regulations, and guidelines issued by the Minister of Education governing the establishment, maintenance, use retention, transfer, and disposal of pupil records. For questions about this collection, speak to the school Principal.

-2-

Details of specific concern may include:

- 1) family history as the school knows it
- 2) family strengths
- 3) family supports / kinship relationships
- 4) is this out of the ordinary?
- 5) is it the first time the school has been concerned?
- 6) context surrounding how the concern came to the school's attention (i.e. writing in a journal, second hand information, class presentation) (use reverse to document if necessary)

Name of Worker Receiving Report: _____

NOTES:

Form is to be submitted to the Principal or Supervisor and filed in a secure location .

CHECKLIST FOR CONVERSATION WITH CAS

In consultation with the principal, the individual making the report should obtain the following information from the Children's Aid Society's Protection Worker at the time a report is made:

Name of Worker Receiving Report: _____

Immediate Action Plan for the Child:

Walk home _____

Go home on the bus _____

Go home with the person who normally picks up the child _____

Remain at school until CAS worker arrives _____

Other _____

Should the principal modify standard practice in any way? _____

What is the anticipated response time by CAS (same day, within 7 days): _____

Will a CAS worker be coming to the school? _____ If yes, when? _____

Will a CAS worker be phoning back? _____ At what time? _____

Will a CAS worker be contacting the parent/guardian? _____ When? _____

Can/should the school contact the parent/guardian? _____

If not and the parent/guardian contacts the school prior to being notified by the CAS, what response should be given to the parent? _____

Follow-up Notes:

TLDSB REPORTING PROCESS- WHEN THE ALLEGED OFFENDER IS INTERNAL (TLDSB) STAFF

***NOTE: Staff must co-operate with any investigations done by the CAS and/or Police Services as outlined in the Child Protection and Police School Board Protocols**

If the alleged offender is...(role)	Who should the Reporting Individual notify initially that a report to the CAS/ Police is necessary?	Who will call CAS and/or Police? (complete forms in Appendix 5.1 & 5.2)	Who will notify parent/guardian of the alleged victim if required?	Who will determine who else requires notification and who will make notifications?	Who will determine and communicate next steps? (will staff remain at work? will internal investigation occur?)
TLDSB Staff Member (does not include Principal, Superintendent, Director)	Reporting individual must notify Principal (or designate) OR Supervisor/Manager Principal/ Supervisor will connect with the Employee Services Superintendent and School Superintendent	Reporting individual with the support of the Principal/ Supervisor	Principal following conversation with CAS and School and Employee Services Superintendent(s)	School Superintendent & Employee Services Superintendent	Director of Education School Superintendent Employee Services Superintendent Manager of Communications
TLDSB Principal	Reporting individual should inform the Employee Services Superintendent and the School Superintendent	Reporting individual with the support of a Superintendent	School Superintendent following conversation with CAS	School Superintendent & Employee Services Superintendent	Director of Education School Superintendent Employee Services Superintendent Manager of Communications
TLDSB Superintendent	Reporting individual should inform the Director of Education	Reporting individual with the support of the Director of Education (or designate)	Director of Education following conversation with CAS	Director of Education	Director of Education Senior Administration Manager of Communications
TLDSB Director	Reporting individual should inform the Chair of the Board	Reporting individual with support of the Chair (or designate)	Chair of the Board following conversation with CAS	Chair of the Board	Chair of the Board Senior Administration Manager of Communications

TLDSB REPORTING PROCESS- WHEN THE ALLEGED OFFENDER IS AN EXTERNAL INDIVIDUAL WORKING IN A SCHOOL

***NOTE: Staff must co-operate with any investigations done by the CAS and/or Police Services as outlined in the Child Protection and Police School Board Protocols**

If the alleged offender is...(role)	Who should the Reporting Individual notify initially that a report to the CAS/ Police is necessary?	Who will call CAS and/or Police? (complete forms in Appendix 5.1 & 5.2)	Who will notify parent/guardian of the alleged victim if required?	Other notifications for consideration	What other considerations must be made?
Third Party Service Provider (in a position of trust or authority and providing a service within TLDSB)	Reporting individual should inform Principal or Supervisor/Manager who is to notify the School Superintendent and the Employee Services Superintendent Principal or Supervisor/Manager to notify Third Party Service Provider's Supervisor	Reporting individual with Principal/ Supervisor support if required	Principal following conversation with CAS and School Superintendent	Messaging to affected staff and families/ school community (per direction of School Superintendent and the Manager of Communications)	Notify the Transportation department if the alleged offender is a bus driver
Contracted Service Provider	Reporting individual should inform Principal or Supervisor who will also notify School and Business Superintendents	Reporting individual should contact the police (not a child protection issue if not an individual in a position of trust/ authority)	Principal following conversation with CAS and School Superintendent	Messaging to affected staff and families / school community (per direction of School Superintendent and the Manager of Communications)	
Volunteer	Reporting individual should inform Principal or Supervisor/Manager who will notify the School Superintendent	Reporting individual with Principal/ Supervisor support if required	Principal following conversation with CAS and School Superintendent	Messaging to staff and school community (per direction of School Superintendent and the Manager of Communications)	Principal or Supervisor / Manager to notify volunteer of action taken and suspension of volunteer responsibilities

TLDSB REPORTING PROCESS- WHEN ALLEGED OFFENDER IS AN EXTERNAL CAREGIVER, STUDENT OR OTHER

If the alleged offender is...(role)	Who to notify initially that a report to the CAS / Police is necessary?	Who will call CAS and/or Police? (complete forms in Appendix 5.1 & 5.2)	Who will notify parent/guardian of the alleged victim if required?	Other notifications for consideration	What other considerations must be made?
External Caregiver	Reporting individual should inform Principal/ Supervisor Principal/Supervisor may seek support of School Superintendent if required	Reporting individual with Principal / Supervisor support if required	Per CAS / Police direction	Are there other youth (siblings or youth living at same home) at risk at other schools where another Principal should be notified?	Student(s) may require support through investigation process (SSAC or outside agency support)
Another Student	Reporting individual should inform Principal/ Supervisor Principal/Superviosr may seek support of the School Superintendent if required	May or may not require reporting to CAS/Police; determined upon consultation with the School Superintendent	Principal or Supervisor following conversation with CAS	Superintendent Responsible for Safe Schools may require consultation regarding legislation / processes in relation to Safe Schools, Suspension / Expulsion etc. Staff / School Community may require notification; determined upon consultation with the School Superintendent	Students who may be witnesses, but are not in need of protection, require permission from their parents prior to being interviewed by the police or CAS. Administrators are to be supportive in facilitating contact between the parents/guardians and the investigator. Student(s) may require support through investigation process (Staff, SSAC or agency)
Student's Own Behaviour	Reporting individual should inform Principal/ Supervisor Principal/Superviosr may seek support of the School Superintendent if required	Reporting individual with Principal / Supervisor support if required	Principal or Supervisor following conversation with CAS	Consider supervision and safety requirements for student and others Consider supports available in system (SSAC) and Community (agencies/organizations)	These situations are generally reported IF a student is demonstrating self-injurious, sexualized, violent or any other behaviours posing a safety or health risk to self or others which, although reported to the child's caregiver/guardian, has failed to result in the initiation of any remedial action by the caregiver/guardian.



**REPORTING AND INVESTIGATION OF SUSPECTED CHILD
ABUSE, NEGLECT OR MALTREATMENT
BD-6506 Appendix 5.3**

Past Abuse

Where a TLDSB student 16 years of age or older reports past abuse alleged to have occurred under the age of 16, the student should be encouraged to report the abuse to the police and take advantage of community victim services and supports.

The staff receiving the report should ask the student if he or she is aware of any children under the age of 16 who may be at risk from the alleged offender. If the student or staff identifies that there are others at potential risk, staff should follow the applicable reporting process as outlined above.