

SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

Section SCHOOLS AND STUDENTS

Policy Name ~~SUSPECTED CHILD ABUSE~~ Child Abuse and Neglect – Duty to Report 510

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1999

RATIONALE

~~When a school employee has reasonable grounds to believe that a child is or may be in need of protection as defined by the Child, Youth and Family Services Act, that employee shall immediately report the concern as outlined in the Board's Suspected Child Abuse Policy. The Youth Criminal Justice Act [in s.35] also outlines the authority to refer a young person to a child and welfare agency to determine whether the youth is in need of child welfare services. Section 8.5 of 520 Management Guidelines – Police and School Board Response Protocol provides the section from the Child, Youth and Family Services Act (CYFSA) that establishes the circumstances under which a school employee must report.~~

The Superior-Greenstone District School Board is committed to the safety, well-being, and protection of all students. When a school employee or any person performing professional or official duties with respect to children has reasonable grounds to believe that a child is or may be in need of protection, that individual has a legal duty to report the concern immediately to a child protection agency, in accordance with the Child, Youth and Family Services Act, 2017, as amended.

This policy reflects the Board's obligations under the Child, Youth and Family Services Act, the Education Act, Policy/Program Memorandum No. 9 – Duty to Report Children in Need of Protection, and related Ministry of Education policy direction.

The Youth Criminal Justice Act also recognizes the authority to refer a young person to a child welfare agency to determine whether the youth is in need of child welfare services.

POLICY

The Superior-Greenstone District School Board is committed to the prevention of and protection against child abuse, ~~or~~ neglect, sexual exploitation, and trafficking. The purpose of this policy is to ensure compliance with the mandatory reporting requirements under the Child, Youth and Family Services Act (CYFSA), 2017, as amended through the Supporting Children's Futures Act, 2024 (Bill 188), and to establish clear expectations for employees, volunteers, and other persons who perform professional or official duties with respect to children. ~~to report~~ Reporting suspected cases of child abuse and/or neglect involving students under the age of 18 years in our region are to the Children's Aid Society, Dilico Anishinabek Family Care or Tikinagan Child and Family Services as appropriate.

GUIDELINES

The duty to report of persons “who perform professional or official duties with respect to children”, including teachers and principals, should be emphasized. The following guidelines are from section 425 of the CYFSA:

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, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. ~~The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,
a) failure to adequately care for, provide for, supervise or protect the child, or
b) pattern of neglect in caring for, providing for, supervising or protecting the child.~~
2. ~~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,
a) failure to adequately care for, provide for, supervise or protect the child, or
b) pattern of neglect in caring for, providing for, supervising or protecting the child.~~
3. ~~The child has been sexually molested or sexually exploited, including by child pornography, 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.~~
4. ~~There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.~~
5. ~~The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.~~
6. ~~The child has suffered emotional harm, demonstrated by serious,
a) anxiety,
b) depression,
c) withdrawal
d) self-destructive or aggressive behaviour, or
e) delayed development,
f) 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.~~
7. ~~The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 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.~~
8. ~~There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph a, b, c, d, or e, of paragraph 6 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.~~

1. Duty to Report

Any person, including a person who performs professional or official duties with respect to children, who has reasonable grounds to suspect that a child is or may need protection shall

immediately report the suspicion and the information on which it is based directly to a child protection agency appropriate to the region and child.

The duty to report overrides all other provincial confidentiality or privilege provisions, except solicitor client privilege.-client privilege.

2. Age Thresholds for Reporting

- Mandatory reporting applies to children under the age of 16.
- A report may be made for youth aged 16 or 17 where there are reasonable grounds to believe the youth needs protection, consistent with the Child, Youth and Family Services Act.
- The duty to report is ongoing. Additional information or new reasonable grounds require a new report, even if previous reports have been made.

3. Direct Reporting Requirement

A person who has a duty to report must make the report directly to the appropriate child protection agency and shall not rely on another person to make the report on their behalf.

4. Sexual Exploitation and Sex Trafficking

Suspected sexual exploitation or sex trafficking of a student shall be treated as a child protection concern and reported in accordance with this policy and the Board's AntiSex Trafficking Protocols, consistent with Policy/Program Memorandum No. 166.-Sex Trafficking Protocols

5. Protection from Liability

No action shall be instituted against a person who makes a report in accordance with the duty to report unless the person acts maliciously or without reasonable grounds for the suspicion.

Failure to report, where required by law, may result in penalties under the Child, Youth and Family Services Act.

6. Privacy and Confidentiality

All persons involved in reporting suspected child abuse or neglect shall:

- respect the privacy and dignity of all individuals involved;
- maintain the confidentiality of information and discussions, except as required for reporting and investigation;

- comply with applicable privacy legislation and Board procedures.

PROCEDURES

1.0 — Duty to Report

~~Every employee and any person, including those performing professional or official duties with respect to children, who has reasonable grounds to suspect that a child is in, or may be, in need of protection must report this information without delay to the appropriate child protection agency.~~

1.1 — Person Must Report Directly

~~A person who has a duty to report a matter shall make the report directly to the appropriate child protection agency and shall not rely on any other person to report on his or her behalf.~~

~~A person who has additional reasonable grounds to suspect that child abuse or neglect may have occurred, or is likely to occur, shall make a further report even if he/she has made previous reports with respect to the same child.~~

1.2 — Individual Making Report

~~The individual making the report shall inform the Principal immediately.~~

~~The duty of a person, including those performing professional or official duties with respect to children, to make a report overrides the provisions of any other provincial statute that would otherwise prohibit the professional or official from disclosing confidential or privileged information.~~

~~In all cases of suspected child abuse or neglect, persons making a report shall respect the privacy of all individuals involved and the confidentiality of all discussions and reports.~~

~~No action for making a report shall be instituted against a person who acts in accordance with the duty to report unless the person acts maliciously or without reasonable grounds for the suspicion.~~

~~A person performing professional or official duties with respect to children, who does not report the suspicion that a child is in need, or may be in need of protection based on information obtained in the course of his/her professional/official duties, and is convicted of the offence, is liable to a fine.~~

1.3 — Responsibility to Report to Supervisory Officers

~~1.3.1 — The Principal shall inform the Superintendent of Education immediately.~~

~~1.3.2 — The Superintendent of Education shall inform the Director immediately.~~

1.4 — Responsibility of the Board

~~The Board shall ensure that opportunities exist to educate all students about their right to live without fear of physical, sexual and emotional abuse and neglect and will support disclosure of such abuse.~~

~~The Board will educate its employees, volunteers and parents about the issues of abuse and neglect and their duty to maintain safe and abuse-free learning environments.~~

~~Where abuse has been reported, the Superior Greenstone District School Board will cooperate fully with the investigating agency.~~

1. Individual Making the Report

- The individual making the report shall inform the Principal immediately after contacting the child protection agency.
- The Principal shall inform the Superintendent of Education, who shall inform the Director of Education.

2. Training and Awareness

All employees shall receive annual training **or** review related to:

- duty to report obligations;
- prevention, recognition, and reporting of child abuse, sexual abuse, and exploitation;
- obligations under Erin's Law.

3. Documentation

Employees who make a report or receive a disclosure shall maintain appropriate factual documentation, in accordance with Board procedures and applicable privacy legislation.

4. Board Responsibilities

The Board shall:

- ensure annual, age-appropriate instruction is provided to students on recognizing, preventing, and reporting child sexual abuse, in accordance with Erin's Law (Bill 123);
- provide annual training and information to employees on prevention and mandatory reporting;
- share prevention and reporting resources with parents, families, and caregivers annually;
- cooperate fully with child protection agencies and other investigating authorities.

Reference Documents

Child, Youth and Family Services Act, 2017 (as amended, including

Bill 188 – Supporting Children's Futures Act, 2024)

Education Act (including Erin's Law, Bill 123)

Policy/Program Memorandum No. 166 – Anti-Sex Trafficking
Protocols

Student Protection Act, 2002

Regulation 298, Education Act

520 Management Guidelines – Police and School Board Response Protocol

