

## Child Abuse Reporting Policy

### Purpose of Policy

Kinder College Early Learning Centre is committed to taking a pro-active position regarding the prevention of child abuse. The following policies and procedures are designed to make Staff / volunteers aware of their responsibilities for the recognition, documentation and reporting of suspicions of child abuse may have occurred.

### Legal Requirements – Duty to Report

#### The Child and Family Services Act

In accordance with the *Child and Family Services Act*, it is the responsibility of every person in Ontario, to immediately report to a Children's Aid Society if he / she believes that child abuse has occurred or if there is a risk of abuse, ( C.F.S.A. 72(1)). In Ontario, a person is a child from birth until his or her 16<sup>th</sup> birthday.

The legislation places additional responsibility on individuals who perform professional or official duties with respect to children, to report his / her suspicion of child abuse or risk of abuse to a Children's Aid Society. This includes any operator or Staff of a day nursery (C.F.S.A. 72 (3)).

#### Failure to report:

It is an offence under the *Child and Family Services Act* to contravene one's reporting responsibilities. The penalty imposed (a fine of up to \$1000.00) emphasizes that a child's safety must take precedence over all other concerns (C.F.S.A. 85 (1)).

#### Confidentiality:

The professional's duty to report suspicions of child abuse overrides the provisions of any other provisional statute, specifically those provisions that would otherwise prohibit disclosure by a professional or official ( C.F.S.A. 72 (7)). The only exception to this is lawyer / client privilege (C.F.S.A. 72 (8)).

#### Protection from Liability:

All persons making a report of suspected child abuse are protected against civil action, unless that person is proven to have acted "...maliciously or without reasonable grounds for the belief or suspicion ...." (C.F.S.A.) 15 (6)).

## **Child Care and Early Years Act:**

Child Care and Early Years Act require behavior guidance policies and procedures are in place, which can be found in the centre's Policy Manual. It is also a requirement under legislation that if a Staff personnel is suspected of abusing a child, a Serious Occurrence report will be submitted within 24 hours to the Ministry of Education.

## **Reporting Procedures**

If the person has reasonable grounds to suspect that a child / youth / vulnerable adult is or may be in need for protection, the person must promptly report the suspicion and the information on which it is based to a children's aid society or other appropriate protection agency. Information supporting a suspicion will vary from case to case and making the decision to report will be based on:

- Observation of the child's behavior and other indicators of child abuse
  - The child's disclosure, whether purposeful or accidental
  - Other information available to the Staff, and
  - Consultation with others
1. Any Staff / volunteer who suspects that a child may have been or is at risk of abuse must immediately call Children's Aid Society to report and cannot ask anyone else to report for him / her.
  2. If there are any concerns or doubts regarding making a report of suspected abuse, the Staff / volunteer consults with a worker from the Children's Aid Society. You must not discuss your suspicions with anyone else until you have consulted with a child protection worker.
  3. It is the responsibility of the person who suspects child abuse to follow through on the report to a Children's Aid Society. It is not sufficient to leave a message with the Children's Aid Society. You must talk to intake secretary or worker to make a report.
  4. The Staff / student who suspects, informs the supervisor of his/ her intent to call Children's Aid Society. Do not discuss your suspicions with anyone including your supervisor, until you have consulted with a child protection worker. The supervisor should provide support. However, even if she / he do not want you to make the call, you must follow through on your legal responsibility and call the Children's Aid Society. The supervisor with inform the Director as soon as possible after the report has been made to the Children's Aid Society.

## **Making a Report of Suspected Child Abuse:**

Suspicious of child abuse must be reported (“forthwith”) i.e. immediately) to the appropriate reporting agency (listed below). If the child’s religious affiliation is known, the report can be made directly to the society of the appropriate religious affiliation.

- Children's Aid Society 416-924-4646

### **They will advise if the Toronto Police should be notified**

During regular business hours, a person making a report will be directed to a Child protection worker, who will take the information. Be sure to speak to a worker directly. DO NOT leave the information on a message service. Calls can be made after regular business hours. You will likely be required to leave a message and a return phone number with an answering machine service. Indicate if your call is urgent. You will then need to wait for a return call from an after-hour’s protection worker. Document the name of the worker taking the report as well as any instructions she / he gave you. Remember you have not officially made the report until you speak with a child protection worker directly.

### **Documentation:**

Document only the facts **DO NOT** include how you are feeling about the incident, or personal thoughts about what might have happened. (See appendix 1 How to Document indicators of Child Abuse).

This form will be completed every time a Staff/ student/ volunteer has reason to suspect that child abuse has occurred or is likely to occur. In the process of monitoring a child suspected to be at risk for child abuse, the Suspected Child Abuse Reporting form will be completed **each** and **every** time there is a concern.

When a supervisor is informed by a Staff/ student/ volunteer that he / she is reporting suspected child abuse, the supervisor will provide help and support, including providing the Staff person with time to document the incident as soon as possible.

If you have more information or further concerns after the first call was made, you must phone the child protection worker again.

### **WHAT TO REPORT TO CHILDREN’S AID SOCIETY:**

The person making a report of suspected child abuse to a Children's Aid Society may not have access to all of the information listed below. If this is the case, **DO NOT** conduct an investigation to search it out. It is imperative that

the Staff / volunteer report the information to a Children's Aid Society in making a report of child abuse. INFORMATION ABOUT THE CHILD (REN)

- Identifying information (e.g. Name and address of child, primary caregiver, the child's religion).
- Current whereabouts of the child / family
- Present physical and / or emotional condition of the child
- Any special vulnerabilities, medical conditions, communication issues
- The name of the centre attended

#### **CIRCUMSTANCES WHICH PROMPTED THE REPORT:**

- What was it that led to the report being made today?
- What are the sources of the information for the report?
- What are the details regarding concerns, or the incidents which precipitated making the report today?
- Do you know of any other relevant incidents or have any other information?
- What actions, if any have you taken prior to reporting the matter to the Children's Aid Society?

#### **Information about the child's family and the alleged offender:**

- Families: name date of birth address (e.g.), telephone numbers, places of work
- Alleged Offender: name date of birth address (e.g.), telephone numbers, places of work. If not the parent the relationship to the child.
- If alleged offender is unknown, the suspected abuse must be made known
- Does the alleged offender have access to the child, siblings or other children?
- What is the parent's awareness of admission / reaction to the suspected abuse and the child's disclosure?
- What is the language spoken by the families and the alleged offender?
- Are there any cultural considerations?
- The names of the child's physician(s)

- Any concerns for family members with respect to mental health, physical illness, substance abuse, weapons and / or violence!
- Names and addresses of extended family members and others who could be supportive to the child and the family

### **OTHER INFORMATION:**

- Who else has direct knowledge of the incident being reported?
- Who else may have observed the child or other incidents?
- Who else knows this family well?
- What other professionals or agencies may be involved with the child and family?

### **DISCUSSING THE SITUATION WITH A PARENT / CAREGIVER**

Consult with Children's Aid Society before discussing any suspicions of child abuse with a parent / caregiver, as such action could jeopardize the child and or contaminate the investigation. Consultation with a child protection worker is particularly important in the following circumstances:

- Sexual abuse is suspected
- The alleged abuser is a member is the child's immediate family
- There is a chance the family will respond by immediately withdrawing the child from the centre, or not be available for further investigation OR
- There is a chance the child will be further abused

In situations where the cause is the child's injuries, the nature is the child's disclosure, or the behavior observed are not clear the Staff may find it necessary to obtain clarification. Consult with a Children's Aid Society worker to discuss the appropriateness of clarifying a situation and to obtain direction. It is appropriate to clarify any information; this should be done in a non-threatening casual way. For example, asking a child, "How did you get that bruise?", or asking a parent, Sharon said, "that you are going on a trip." Where to?

1. Use an interested and concerned tone of voice
2. Avoid questions or statements
3. Ask what happened, how it happened, avoid why questions
4. Ask open-ended questions

If someone other than the parent / caregiver is the alleged abuser, consult with the Children's Aid Society as to who should notify the child's parent/ caregiver. If it is decided that it is appropriate for the Staff person and or supervisor to inform the parent (s) of the report, emphasize to the parent both the concern for the child and the legal obligation to report suspicions of child abuse.

### **WHEN THE CHILDREN'S AID SOCIETY / POLICE CONDUCT AN INVESTIGATION IN THE CENTRE**

When suspected child abuse is reported under Section 72 of the Child and Family Services Act the investigative team may request permission from Kinder College ELC to interview a child on the premises. All efforts will be made by the Staff to cooperate with the police / child protection worker in order that the investigation causes the least disruption to the day to day operations of the centre. If the investigative team's request to interview the child at the centre is refused by the Supervisor for any reason, the Child Protection worker may apprehend the child (with or without a warrant ) and remove the child from the centre.

It is anticipated that those Staff involved will know who will conduct the investigation and the estimated time of arrival and the supervisor will arrange for an appropriate private location for the interview to be conducted.

The police / child protection worker may determine that it would be in the best interests of the child to conduct an interview without prior knowledge of, and without the child's parent(s) present. All Staff involved must respect this decision, and not speak with the parent(s) until further notice.

The supervisor will prearrange with the investigative team, if a support person from the centre can be present when a child is being interviewed. Any support person who agrees to attend the interview will be reminded by the supervisor, that he/ she may be required to attend and testify in court proceedings related to the case.

### **FURTHER CONSULTATION WITH CHILDREN'S AID SOCIETY**

Further contact with a Children's Aid Society may be initiated by a supervisor Staff/ student/ volunteer in any of the following circumstances:

- A worker has not responded to the individual's initial call / message
- The individual believes that the concerns reported on behalf of the child have not been fully understood by the worker, and a second opinion from a supervisor at the Children's Aid Society is desired
- Any further suspicions of abuse occur

- Changes in the family situation or that of the alleged abuser are discovered and
- The child does not return to the centre when expected

The supervisor will be notified if a Staff/ volunteer re-contacts the Children's Aid Society.

### **IF A STAFF / STUDENT/ VOLUNTEER IS SUSPECTED OF CHILD ABUSE**

1. As with any situation of suspected abuse, if a Staff/ volunteer / parent (i.e. the accuser) suspects another caregiver in the centre of abusing a child(ren), she / he is legally bound to report these suspicions immediately to the Children's Aid Society. The supervisor should be informed of the report as soon as possible. If the Staff person suspected of abuse is the supervisor, then the concerns are to be directed to the Director.
2. The accuser will document all the relevant information as outlined under *What to Report to Children's Aid Society* section, and follow the reporting policies. The supervisor will NOT inform the suspected person of the accusation until a Children's Aid worker has been consulted.
3. The supervisor or Director will notify Toronto Children's Services within 24 hours of the occurrence. If the suspected abuse occurred while the child was in the centre, a Preliminary Inquiry Report will be submitted to the Toronto Children's Services within 5 working days.
4. The Director in consultation with the supervisor, Children's Aid Society, Human Resources and legal counsel will determine what action, if any, will be taken with respect to the suspected person's job responsibilities while an investigation is being carried out.
5. The Supervisor will meet with the suspected person to discuss any procedures for a change in duties and responsibilities. The supervisor will follow-up with a written confirmation of any decisions and the reasons for such a copy, which is to be given to the suspected person, and a copy retained on file in a second envelop.
6. If the suspicion of child abuse is confirmed, action regarding discipline and dismissal will be carried out according to the procedures outlined in the collective agreement.

## **CONFIDENTIALITY AND DISCLOSURE OF INFORMATION TO OTHERS**

Any information related to a suspicion or report of child abuse is confidential between the person directly involved, the person making the report and the Children's Aid Society. The supervisor, in consultation with the Children's Aid Society, will give direction regarding the appropriate sharing of information with Staff/ volunteers / Director / Operations Manager. Discussing any information with others outside the designated individuals related to a situation of suspected child abuse is a breach of confidentiality.

In a case where a child has been apprehended by the Children's Aid Society, the supervisor will speak to a worker to determine whether or not the child will return to the centre as scheduled. The supervisor will advise the Staff, and determine the best way to explain the child's situation to the other children. This will be done in such a way as to balance the child's / family's right to confidentiality with the concerns of others in the centre.

In a case where a Staff / volunteer is under investigation or charges with child abuse, the supervisor and Director will consult with the child protection agency and the police. In tandem they will develop and document strategy including:

- When others (families / other Staff etc. will be informed)!
- Who will inform them?
- How and what will be shared!

## APPENDIX 1

### HOW TO DOCUMENT INDICATORS OF CHILD ABUSE

When documenting any indicators of child abuse remember to:

- Record the information as soon as possible, including dates and times
- Document the facts **without** personal judgments, opinions, conclusions, medical or emotional diagnosis
- Give a clear description of the situation, what was **actually** seen or heard and **NOT** what you think might be happening
- Include what you did or said and why
- Record the words used by a child / parent, even if they are “slang” (especially terms for body parts or sexual behavior)
- Include anything that someone else has said that might be important
- Describe the size, colour, shape of any injury (for example, bruises, marks, burns)
- Hand write your own documentation in your own words, using pen
- Cross out and initial any mistakes and continue documenting- **DO NOT** use white out
- Document suspicions of abuse in a separate record
- Make sure the entry is complete, then sign and date it
- Start a new entry if, at a later date there is new information or further suspicions of abuse.

**\*\* Your first recording of the facts is your documentation – do NOT make a rough copy and then write over it in good, and do NOT go back and change any of you original notes.**