



Administrative Procedure: Duty to Report Children in Need of Protection

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1.0 Guidelines

- 1.0 It is the policy of Superior North Catholic District School Board, under Part V of the Child, Youth, and Family services act, that 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 be in need of protection, that the person report their suspicions “immediately” to a children's aid society

and provide the information on which the suspicions are based. Therefore, any employee of Superior North Catholic District School Board who, in the course of performing their professional or official duties, suspect that a child is or may be in need of protection must report this information without delay to a children's aid society. This report shall be made to the appropriate Child, Youth and Family Services within the jurisdiction of the Board communities and shall follow a prescribed set of procedures.

2.0 Duty to Report

- 2.1 **125(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, the person shall immediately report the suspicion and the information on which it is based to a children's aid society (ie: Dilico, CAS, Tikinagan):
- 2.1.1 The child has suffered physical harm inflicted by the child's parent or 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.
 - 2.1.2 There is a risk that the child is likely to suffer physical harm inflicted by the child's parent or 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.
 - 2.1.3 The child has been sexually abused or sexually exploited by the child's parent or 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.

- 2.1.4 There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3.
- 2.1.5 The child requires 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 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, the treatment on the child's behalf.
- 2.1.6 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
- 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.
- 2.1.7 The child has suffered emotional harm of the kind described in subparagraph 2.1.6 a, b, c, d, or e 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.
- 2.1.8 There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 2.1.6 a, b, c, d, or e 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.
- 2.1.9 There is a risk that the child is likely to suffer emotional harm of the kind

described in subparagraph 2.1.6 a, b, c, d, or e 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 prevent the harm

2.1.10 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

2.1.11 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

2.1.12 The child is younger than 12 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.

2.1.13 The child is younger than 12 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 children's parent or the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

2.2 In addition to the above-mentioned details, further details concerning the requirements for reporting are provided in subsections 125 (2), (3), and (4) of the act, as summarized below.

3.0 Duty To Report Is Ongoing

3.1 Subsection 125(2) of the act states that the duty to report is an ongoing

obligation. If a person has made a report about a child to a children's aid society and has additional reasonable grounds to suspect that the child is or may be in need of protection, that person must make a further report to the children's aid society.

4.0 Report(s) Directly To A Children's Aid Society

- 4.1 Subsection 125(3) of the act requires every person who has reasonable grounds to suspect that a child is or may be in need of protection to **make a report directly to a children's aid society and not rely on anyone else to report on their behalf.**

5.0 Duty To Report For Older Children

- 5.1 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 if either a circumstance or condition described in paragraphs 1 to 11 of subsection 125(1) or a prescribed circumstance or condition exists.
- 5.2 Note that the requirements for reporting stated in the act and outlined above do not prevent a school board from establishing additional policies on internal reporting procedures, but the school board's policies must not conflict with the reporting requirements of the act.

6.0 Failure To Report

- 6.1 Subsection 125(5) of the act makes it an offense for every person performing professional or official duties with respect to children to fail to report a child who, they suspect, is or may be in need of protection. Subsection 125(6) expressly identifies an employee of Superior North Catholic District School Board who works within a school. If any employee of Superior North Catholic District School Board obtains 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. If they do not report the suspicion, they are liable, upon conviction of the offense, to a fine of up to \$5000.

7.0 Protection For Persons Making Reports

- 7.1 Under section 125 of the Child, Youth and Family Services Act, the duty of a professional or official to make a report overrides the provisions of any other provincial statute, including those legislative provisions that would otherwise prohibit the professional or official from disclosing confidential or privileged information. In other words, an employee of Superior North Catholic District School Board must report that they suspect that a child is or may be in need of protection even if they believe that the information to be used to support the report is supposed to be confidential or privileged.
- 7.2 Subsection 125(10) provides that no action for making a report will be instituted against a person who acts in accordance with the duty to report in section 125, unless the person acts maliciously or without reasonable grounds for suspicion.

8.0 Reporting Procedures

- 8.1 Where an employee of Superior North Catholic District School Board has reasonable grounds to suspect that a student is in need of protection, the employee shall report the suspicion using the procedures as outlined in the Record Of Referral For Children In Need Of Protection for Superior North Catholic District School Board (**Appendix A**).
- 8.2 Every call received by an Agency is coded according to the Ontario Child Welfare Eligibility Spectrum. In situations where a teacher, school administrator, professional support person or other Board personnel have reasonable grounds to suspect that a child is in need of protection, the person shall immediately report the suspicion and the information on which it is based to the Agency in the jurisdiction that child normally resides. As well, this person shall complete a Record of Referral for Children In Need Of Protection Reporting Form (**Appendix A**) and are encouraged to submit it to the Principal.

9.0 Consultation

- 9.1 Consultation with the Agency is available in situations where the employee is unsure of whether the circumstances constitute reasonable grounds to suspect. In such a consultation, the individual would explain a situation without giving names or other identifying data. The consultation would not constitute a referral or require any follow-up by the agency.

- 9.2 The individual who suspects that a child is in need of protection has a personal and/or professional duty to report directly to the Agency; that duty cannot be delegated to or assumed by anyone else, including a principal, professional support staff or senior administrator. The individual may request the presence of any of these staff members while making the report to the agency.
- 9.3 The circumstances in which a child may be in need of protection may require an individual to exercise considerable judgment. The individual may wish to discuss the situation with a principal or designate. Consultation should be available. However, consultation shall not remove the reporting obligation from the individual or impede the timeliness of the report.
- 9.4 In a case where an employee of Superior North Catholic District School Board has been accused of physical and/or sexual abuse of a student, action will be initiated as outlined in [AP-HR 521 Employee Progressive Discipline](#).

Appendix A - Record of Referral For Children In Need Of Protection

Child's Name: _____ Date of Birth: _____

Address: _____ Telephone: _____

Siblings Under 18 Years: Yes No

Mother's Name: _____ Phone: _____

Father's Name: _____ Phone: _____

Name of School: _____ Phone: _____ Grade: _____

Agency Contacted: _____ Intake Worker Name: _____

Date and Time of Report to Agency: _____

Briefly state details of Abuse/Neglect: *(If additional space is required, please use back of this form.)*

1. What the child said and to whom and when.	
2. When and where the incident(s) occurred.	
3. Brief description of easily visible marks or injuries or evidence of neglect (if applicable).	
4. The alleged offender(s) and relationship to the child.	
5. Names of any other children who might be involved.	

Any learning disability, exceptionality, or language difficulty which may impede the student in expressing or understanding written/oral communication.

Report made by:

<i>Name</i>	<i>Position</i>	<i>Date</i>
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Principal:

<i>Name</i>	<i>Signature</i>	<i>Date</i>
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CAS (Children's Aid Society)

Location	Address	Phone
Thunder Bay Head Office	1110 Jade Court Thunder Bay ON P7B 6M7	Phone: (807) 343-6100 Toll-Free: 1-800-465-3905 Fax: (807) 343-0141
Marathon District Office	2 Ontario St, Suite 5 P.O. Box 340 Marathon ON P0T 2E0	Phone: (807) 229-0580 Toll-Free: 1-800-465-3905 Fax: (807) 229-0593
Geraldton District Office	423 Main Street P.O. Box 687 Geraldton ON P0T 1M0	Phone: (807) 854-1910 Toll-Free: 1-800-465-3905 Fax: (807) 854-1936
Nipigon District Office	155 Railway Street P.O. Box 1028 Nipigon ON P0T 2J0	Phone: (807) 887-3035 Toll-Free: 1-800-465-3905 Fax: (807) 887-2211

Dilico

Location	Address	Phone
Dilico Main Office	200 Anemki Place, Fort William First Nation, ON P7J 1L6	Phone: (807) 623-8511 Fax: (807) 626-7999 Toll-Free: 1-855- 623-8511 Toll-Free Fax: 1-855-626- 7999
Longlac Office	18 Forestry Road P.O. Box 509 Longlac ON P0T 2A0	Phone: (807) 876-2267 Fax: (807) 876-2312 Toll-Free: 1-855-623-8511 Toll-Free Fax: 1-855-626-7999
Nipigon Office	112 - 4th Street P.O. Box 700 Nipigon, ON P0T 2J0	Phone: (807) 887-2514 Fax: (807) 887-2184 Toll-Free: 1-855-623-8511 Toll-Free Fax: 1-855-626-7999
Mobert Office: Pic Mobert First Nation	#11 - 10th Street Mobert, ON P0M 2J0	Phone: (807) 822-2521 Fax: (807) 229-9276 Toll-Free: 1-855-623-8511 Toll-Free Fax: 1-855-626-7999