

<b>JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD</b>
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<b>ADMINISTRATIVE PROCEDURE STUDENTS: NO. 358</b>	
Effective	August 21, 2019
Last Revised	August 15, 2023

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## CHILD IN NEED OF PROTECTION

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### PURPOSE

System and school administrators of the James Bay Lowlands Secondary School Board expect that the care, safety, welfare and security of each student will be given priority by all staff members.

This administrative procedure has been developed to ensure that any staff member who has reasonable grounds to suspect that a child is or may be in need of protection, as defined by the *Child and Family Services Act*, shall promptly report the suspicion and all the information upon which it is based to the local Children's Aid Society.

### DEFINITIONS

**Child**—Under the *Child and Family Services Act*, a child is a boy or girl under the age of sixteen. This is extended to eighteen years when the person is a ward of Family and Children's Services.

**Child in Need of Protection**—A definition of a "child in need of protection" is found in subsection 72 (1) of the *Child and Family Services Act*.

**Reasonable Grounds**—Reasonable grounds are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would suspect.

**Staff Member:** A staff member is any adult employed by the James Bay Lowlands Secondary School Board.

### PROCEDURES

#### 1. Legal Requirements

- 1.1 In accordance with the *Child, Youth and Family Services Act, 2017*, Section 125 Duty to Report, and the provisions of Policy Program Memorandum No. 9 of the Ontario Ministry of Education, 2019, the James Bay Lowlands Secondary School Board provides the following guidelines with regard to the duty of staff members to report a child in need of protection.
- 1.2 Section 125 of the *Child, Youth and Family Services Act, 2017* clearly describes the "reasonable grounds" for suspecting child abuse or neglect.

## 2. Role of the Principal

- 2.1 The principal will include as part of the agenda of a staff meeting:
- a) an outline of professional responsibilities with regard to the reporting of suspected cases of child abuse, including the possible consequences of any failure or neglect of this duty to report;
  - b) a discussion of professional obligations with respect to confidentiality, not only in situations involving suspected cases of child abuse, but in all aspects of involvement in the school community;
  - c) the availability of resource staff from the system or the Ministry of Community and Social Services; and
  - d) a review of Section 125 of the *Child, Youth and Family Services Act, 2017*.
- 2.2 The principal may wish to include the following items as part of the agenda of a staff meeting focusing on child abuse reporting requirements:
- a) films, filmstrips, and brochures available from the Ministry of Community and Social Services;
  - b) discussion and description of the phenomena of child abuse.

## 3. Role of Staff Members

- 3.1 Staff members must report personally and immediately any suspected cases of child abuse to the Family and Children's Services Abuse Unit – telephone # 336-2229.
- 3.2 A staff member may want to seek the counsel and assistance of the principal when a case of child abuse is suspected. However, the professional and legal obligation resides with the individual who holds the suspicion that child abuse is occurring, to report the matter to the Family and Children's Services.
- 3.3 When calling the Family and Children's Services, the staff member will:
- a) ask for the Child Abuse Unit and clearly state "I want to report a suspected case of child abuse."
  - b) ask for and record the name of the Family and Children's Services worker to whom the report is made.
  - c) report this action to the principal or in a case where the principal initiates the report, to the home room teacher concerned.

- 3.4 For the individual's own protection, the staff member will maintain a record of the incident(s) that gave rise to suspicions. This record will include the date the incident(s) occurred and the particulars. Such a record may be useful to the Family and Children's Services in investigating the concern, to the parents in explaining the circumstances, and to the staff member in the event that a charge of reporting maliciously is initiated.
- 3.5 Any records maintained in respect to a case of suspected child abuse will be placed in the child's Ontario Student Record (OSR) file. This is done to afford the staff member the protection provided by the *Education Act* from court action in respect to information contained in an OSR file.

#### 4. Follow-up Procedures

- 4.1 The principal will regularly review any Ontario Student Records that contain information related to suspected cases of child abuse. Any information that is discovered to be unfounded or lacking relevancy must be expunged from the record.
- 4.2 Under normal circumstances, the staff member reporting the problem may expect to have a verbal report from the Family and Children's Services shortly after reporting the problem. If, after a two (2) week period, no such report has been received, the staff member reporting the case should attempt to follow up by contacting the Family and Children's Services official to whom the original report was made. [See Sample Letter of Inquiry in Appendix A.]
- 4.3 If, as a result of the follow-up, the principal learns that there was no basis for the concern, the principal shall immediately inform the staff member who reported the case and expunge all reference to it contained in the child's Ontario Student Record (OSR) file.
- 4.4 The principal shall maintain a file of all suspected cases of child abuse reported to the Family and Children's Services. The file shall be limited to the following information:
- a) name of the staff member reporting the case;
  - b) name of the Family and Children's Services official receiving the report; and
  - c) date and time the case was reported to the Family and Children's Services.
- 4.5 **Note:** The purpose of this record is to verify the actions of the staff in reporting the suspected cases of child abuse and to provide an overview of the extent of the problem. It is not intended to provide details in respect to individual cases or to identify by name the children concerned. To do so would be to establish a separate pupil file and thus to lose the protection of the *Education Act*.

**REFERENCE DOCUMENTS****Legal:**

*Education Act, Section 169.1 (1) Board Duties and Powers: Promote Student Achievement and Well-Being*

*Education Act, section 265, Duties of Principal: Care of Pupils*

*Child, Youth and Family Service Act, 2018*

*Ontario Regulation 437/97 Professional Misconduct under the Ontario College of Teachers Act*

*Regulation Made Under the Teaching Profession Act, subsection 18 (1)*

*Policy Program Memorandum No. 9 Duty to Report Children in Need of Protection, January 27, 2019*

*Municipal Freedom of Information and Protection of Privacy Act*

*Criminal Code of Canada*

**Board:**

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-02 The Role of the Corporate Board

Board Policy GOV-03 The Role of the Supervisory Officer

Board Policy GOV-13 Equity and Inclusion

Board Policy GOV-20 Safe School Environment

Administrative Procedure 306 The Ontario Student Record

Child Abuse Reporting Protocol, School Authorities and Payukotayno

**APPENDIX A**

**Sample Letter of Inquiry**

Date

Name of Family and Children's Services Worker  
Family and Children's Services  
P.O. Box No.  
Moosonee, ON  
P0L 1Y0

Dear \_\_\_\_\_:

The purpose of this letter is to confirm our telephone conversation of (day/month/year) during which I reported a potential case of child abuse to you.

We would appreciate receiving information concerning the resolution of this matter.

Yours truly,

\_\_\_\_\_

cc. Principal