

LOCAL CHILD PROTECTION PROTOCOL

WITH

**FAMILY AND CHILDREN'S SERVICES NIAGARA
(THE CHILDREN'S AID SOCIETY)**

April 2025



Family and Children's
Services Niagara

Les Services à la famille
et à l'enfance de Niagara



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INTRODUCTION

This Protocol represents the formalization of the existing collaborations between Family and Children's Services Niagara (FACS Niagara), the District School Board of Niagara (DSBN), Niagara Catholic District School Board (NCDSB), Conseil scolaire catholique MonAvenir (CS MonAvenir), Conseil scolaire Viamonde (CS Viamonde), and Niagara Children's Centre School Authority (NCCSA).

The Protocol sets forth the procedures to be followed in response to reports of a child* or youth** who is or may be in need of protection.

In accordance with the provisions of the *Child, Youth and Family Services Act*, all members of the public have an obligation to report immediately to a Children's Aid Society if they suspect that a child* or youth** is or may be in need of protection.

The *Child, Youth and Family Services Act* includes a special provision in recognition of the elevated duty held by professionals who work in proximity to children* or youth** to report child protection concerns.

Section 74(2) of the *Child, Youth and Family Services Act* defines the term "child* in need of protection*."

The Act applies to any person eighteen years of age or under and extends this jurisdiction to any youth* who are the subject of a court order under the provisions of the *Child Youth and Family Services Act*.

The endorsement of this Protocol is the affirmation of our mutual commitment to the safety, protection and wellbeing of children* and youth*.



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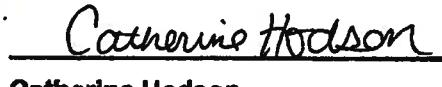
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*[Defined terms are marked with * and located in the Glossary of Terms at the end of this Protocol.]*

PURPOSE

This Protocol among **FACS Niagara, DSBN, NCDSB, CS MonAvenir, CS Viamonde and NCCSA** has the purpose of clarifying procedures in response to children* and youth* at risk which will encourage co-operation, communication and understanding between the two organizations and the realization of our common goal, the welfare of children*. FACS Niagara, DSBN, NCDSB, CS MonAvenir, CS Viamonde and NCCSA are collectively the “Parties”. DSBN, NCDSB, CS MonAvenir, CS Viamonde and NCCSA are collectively the “School Boards/Authority” or individually the “School Board/Authority”.

This Protocol is an agreement that enables the Parties:

- To establish a set of procedures to assist in collaborative and responsive service provision to children*, youth* and their families;
- To clarify the roles and responsibilities of each party;
- To establish clear lines of communication;
- To establish a liaison process to support this joint commitment;
- To allow ongoing review, revision and updating of this Protocol;
- To provide necessary in-service for personnel from both parties;
- To provide a means of resolving problems/disagreements regarding the provisions of the Protocol. The Parties recognize that it is the shared responsibility of both organizations to work collaboratively in the best interests of children*.

GUIDING PRINCIPLES

Whereas an effective and humane response to children* and youth* at risk is best supported by a shared commitment to the protection of children*, the Parties agree that:

- Services provided to children* and families should be child centered;
- Services provided to children* and families should respect their diversity and the principle of inclusion, consistent with the *Human Rights Code* and the *Charter of Rights and Freedoms*;
- When making a decision about a child* that materially affects or is likely to materially affect the child's* interests, it is the child's* right to be consulted about the service;
- Children* have a right to be protected from maltreatment and to receive a positive and meaningful education;
- All child protection investigations will be undertaken with sensitivity, integrity, and unreserved collaboration;
- Where a child* identifies themselves as a First Nations, Inuk or Metis child* or a parent of the child* identifies the child as a First Nations, Inuk or Metis child* or a relative or sibling of the child* identifies as a First Nations, Inuk or Metis person or; there is a connection between the child* and a band or a First Nations, Inuk or Metis community, child protection services shall, in the

spirit of reconciliation, proceed in consultation with the child's* band, First Nations, Inuk or Metis communities as prescribed in legislation;

- Where a child* or youth* presents with a special need and/or requires assistance with communication, assistance to the child* or youth* shall be facilitated by FACS Niagara;
- Child protection investigations shall be supported by the disclosure of information relevant to the immediate protection of the child* and in accordance with the provisions of the *Child, Youth and Family Services Act* and all statutory requirements;
- Child protection investigations shall be conducted in recognition of the sensitive and complex nature of the circumstances which give rise to the referral and in a manner, which respects the need for a timely and comprehensive approach.

ROLES AND RESPONSIBILITIES

The School Boards/Authority

The School Boards/Authority provides quality public education that empowers all school aged children* and youth* residing with the Niagara Region with knowledge and a desire to learn. They are focused on student achievement and well-being of children and youth, closing gaps in student achievement and maintaining confidence in the province's publicly funded education systems. They also provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable caring citizens who contribute to their society.

Family and Children's Services Niagara (FACS Niagara)

FACS Niagara is the local Children's Aid Society and is the legally mandated agency responsible for the provision of child protection services within the Niagara Region since 1898.

As a multi service agency, FACS Niagara offers a wide range of programs and services to protect children* and youth* and strengthen families. Services include the investigation of circumstances in which a child* or youth* may be in need of protection* pursuant to the provisions of the *Child, Youth and Family Services Act*.

Collateral Jurisdiction of Community Protocols

This Protocol shall, where applicable, be subject to the provisions of the "Joint Child Abuse Protocol between Family and Children's Services Niagara, the Niagara Regional Police Services, the Office of the Chief Coroner of Ontario and the Ministry of the Attorney General", or its successor.

This Protocol shall, where applicable, be subject to the provisions of the "2024 Local Police/ School Board Protocol", or its successor.

DUTY TO REPORT CHILD* IN NEED OF PROTECTION*

Section 125(1) of the *Child, Youth and Family Services Act* states the following:

“Despite the provisions of any other Act, if a person, including a person who performs professional or other duties with respect to children, has reasonable grounds* to suspect one of the following, the person shall immediately report the suspicion and the information upon 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,
 - 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>.
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,
 - 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.
3. 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.
4. There is a risk that the child* is likely sexually abused* or sexually exploited* as described in paragraph 3.
 - 4.1 The child* has been sexually exploited* as a result of being subjected to child* sex trafficking*.
 - 4.2 There is a risk that the child* is likely to be sexually exploited* as a result of being subjected to child* sex trafficking.
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.
6. 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*.

7. The child* has suffered emotional harm* or the kind described in subparagraph 6, i, ii, iii, iv or v 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 or 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 6 i, ii, iii, iv, v or 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*.
9. There is a risk that the child* is likely to suffer emotional harm* of the kind described in subparagraph 6 i, ii, iii, iv or v 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*.
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.
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.
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.
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 person having charge of the child* or because of that person's failure or inability to supervise the child adequately.

NOTE: The duty to report threshold is based upon "reasonable grounds* to suspect".

"Reasonable grounds"* are defined as information that an average person, given his or her training, background and experience, exercising normal and honest judgement, would suspect. Refer to **Appendix B** (Guidelines - "Reasonable Grounds"* To Suspect That A Child is in Need of Protection*) for guidance.

Ongoing Duty to Report

The duty to report is an ongoing obligation. Section 125 (2) of the *Child, Youth and Family Services Act* requires a person who has additional reasonable grounds* to suspect that a child* may be in need of protection* shall make a further report under subsection even if he or she has made previous reports with respect to the same child*.

Person Must Report Directly

A person who has a duty to report a matter under section 125(1)(2) shall make the report directly to the Children's Aid Society and shall not rely on any other person to report on their behalf.

Mandatory Duty to Report does not apply to youth* 16 or 17 years of age or older

The mandatory duty to report does not apply in respect to a youth* who is 16 or 17 years of age, but a person may choose to make a report in respect to a youth* who is 16 or 17 years of age if there are reasonable grounds* to suspect that the youth* may be in need of protection*.

Section 77.1 "Removal to Offer Services" was also amended to provide that in addition to a 16 or 17 year old entering into a Voluntary Youth Services Agreement (see [Appendix G](#)), a child protection officer or peace officer may remove the youth* as follows:

A child protection worker or a peace officer may bring a child* who is 16 or 17 to another location for up to 12 hours for the purpose of offering services and supports to the child*, including the possibility of entering into an agreement under section 77, if the child protection worker or the peace officer has reasonable and probable grounds to believe that the child* is in need of protection within the meaning of clause 74 (2) (d.1) and that,

- (a) the child* has suffered physical harm inflicted by a person involved in subjecting the child-to-child sex trafficking* or received threats of physical harm by such a person;
- (b) the child* is dependent on alcohol or controlled substances as defined in the Controlled Drugs and Substances Act (Canada) or is being provided with alcohol or such controlled substances by another person in order to facilitate the sexual exploitation* of the child*;
- (c) the child* has a disorder of emotional processes, thought or cognition, a developmental disability or a brain injury and the disorder, disability or injury significantly impairs the child's* capacity to make reasoned judgements regarding the circumstances surrounding their sexual exploitation*;
- (d) the child* does not have access to housing other than as provided by a person involved in subjecting the child-to-child sex trafficking*;
- (e) the child's* finances are being controlled by a person involved in subjecting the child-to-child sex trafficking* or such a person is threatening to control their finances;
- (f) the child's* personal effects or identification documents are under the control of a person involved in subjecting the child-to-child sex trafficking*;

- (g) the child* does not have Canadian citizenship and information about their immigration status is being used by another person in order to coerce the child into being sexually exploited*; or
- (h) the child* is otherwise unable to exercise mature and independent judgement regarding the circumstances of their sexual exploitation* because the child* is being coerced, manipulated, or unduly influenced by a person involved in subjecting the child-to-child sex trafficking*.

Professionals and Officials

The duty to report applies to every person who performs professional or official duties with respect to children*.

Offence

A person who performs professional or official duties with respect to children* is guilty of an offence if:

- (a) The person contravenes Section 125(1)(2) (the duty to report) by not reporting a suspicion and;
- (b) The information on which it was based was obtained in the course of the person's professional or official duties.

The Duty to Report Overrides Privilege

The duty to report applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this duty unless the person acts maliciously or without reasonable grounds* for suspicion.

Employees of the School Board/Authority who have designated care and/or supervision of a child* or youth* are considered to be Community Caregivers* for purposes of a child protection investigation.

Physical Restraints by Community Caregivers*

In institutional settings, a report of a minor injury resulting from a physical restraint does not automatically result in a child protection investigation, unless there are surrounding circumstances that would indicate abusive* or neglectful* behaviour by the caregiver*.

Such circumstances include situations in which:

- someone is specifically alleging the behaviour to be abusive*,
- there is a pattern of injuries by the same caregiver*,
- there is a pattern of injuries to the same child* or youth*, or
- there is a pattern of similar incidents in the same facility.

Notification of School Board/Authority Administrative Staff

Staff of School Board/Authority who report to FACS Niagara pursuant to the Duty to Report shall inform their Administrator or designate forthwith* and the Administrator shall inform their Superintendent, as appropriate with regards to any referrals related to a child* in need of protection*.

Allegations Against a School Board/Authority Employees ([Community Caregiver*](#) Investigation)

FACS Niagara recognizes and respects that, in accordance with the obligations as set forth under the *Education Act* and the *Ontario College of Teachers Act* and their respective Regulations, School Board/Authority have a duty to conduct a separate parallel investigation into the circumstances which give rise to the Duty to Report when a School Board/Authority employee is the subject of the child protection allegation.

Notification of the Employee who is the subject of the child protection allegation

- The School Board/Authority Administrator (or designate), in consultation with the Child Protection Worker and the investigating NRPS Officer, where applicable, shall determine the timing of and the notification to the School Board/Authority person who is the subject of the allegation of the investigation.
- The School Board/Authority Administrator shall advise the School Board/Authority Employee of their right to consult with their Federation or Union.

PROCEDURES – REPORTING TO FACS NIAGARA

Initial Report

The initial report is to be made by the School Board/Authority employee regardless of the time of day to FACS Niagara. The telephone number is **905-937-7731 or 1-888-937-7731**. See [Appendix C](#) (Reporting Procedure for Child Maltreatment) for overview on procedure.

During after hours, on weekends and on statutory holidays the calls will be responded to by an answering service.

The caller should advise the answering service that the call relates to a child protection referral. The call will be relayed to the on-duty Child Protection staff.

The FACS Niagara Child Protection Worker will call back the person making the referral (Referent" immediately and determine if the situation requires an emergency response).

Where it is determined that the situation can be responded to the next working day and that the safety of the subject child will not be compromised, the information will be documented and forwarded to the FACS Screening Department.

Referral Information to be Shared by the School Board/Authority Employee Reporting

Where the Referent (School Board/Authority Employee) holds information that the circumstances or conditions related to the [child\(ren\)](#)* who is the subject of the call are of an *urgent nature*, that information should be stated clearly to the FACS representative by the School Board/Authority employee who is making the report.

When a report is made by a School Board/Authority employee, the following information is to be provided to FACS Niagara (where it is known to the Referent):

- Name and date of birth of the [child\(ren\)](#)* who is the subject of the report;

- The name of the parent(s), legal guardian or caregivers* of the child*;
- Relationship of the Referent to the child*/youth*;
- Where applicable, the date and time of the alleged incident;
- The condition of the child*/youth* (e.g. observations about physical condition, hygiene or emotional state);
- A description of any injuries of the child* (e.g. location, shape, size of bruises, cuts where they are readily visible without the removal of clothing);
- Medical attention required by the child*/youth*;
- Identity of the person alleged to have caused the harm* to the child*/youth*;
- Current location of the person alleged to have caused the harm* to the child* if it is known
- The identity of any witnesses to the incident;
- Other persons who are aware of the incident;
- Immediate steps to ensure the child*/youth*'s safety;
- Statements by the child*/youth* (including the date and time of the conversation and those present);
- Documentation of the incident;
- The identity of any other children* who may be at risk as a consequence of the incident including the children* of the alleged offender.
- Any other information relevant to the safety and conditions of the child(ren)*

Where applicable, referent should ensure FACS Niagara is aware of mitigating and other factors as set out in [Ontario Regulation 472/07](#) of the *Education Act* at the time of reporting.

Documentation of Referral

The Referent shall document the account of the reported incident or basis for the child protection referral in accordance with the policy and procedures of the School Board/Authority.

Note:

It is important that the child*/youth* not be interviewed beyond the point necessary to establish reasonable grounds* to suspect.

Notwithstanding that the person to whom the child*/youth* may have disclosed needs to be both responsive and supportive of the child*/youth*, it is important that no one, including the reporting person, interview the child*/youth* about the details of the disclosure. This is to ensure that the investigation is not compromised.

This is particularly important where the disclosure involves an employee of the School Board/Authority.

RECEIPT OF REPORT BY FACS NIAGARA

Upon receipt of a child protection referral, FACS Niagara initiates a screening procedure, including a comprehensive records check, in accordance with Ministry Standards, Directives and Regulations.

CONSULTATION WITH FIRST NATIONS, INUK OR METIS COMMUNITY

Where a child*/youth* identifies with a First Nations, Inuk or Metis community, the FACS worker will consult with the respective representative of the child's*/youth*'s community in accordance with all statutory undertakings throughout the provision of a child protection service subject to the reasonableness with respect to any delays this communication may represent during the course of this investigation.

DISPOSITION OF THE REFERRAL

A disposition of the child protection referral is determined by FACS Niagara from one of the following options;

- Case open for child protection investigation;
- No child protection investigation indicated; case referred to a community service for the family;
- Case deemed as a community caregiver* investigation;
- Case deemed as no direct client contact required.

Referrals received by FACS Niagara streams referrals into Community Caregiver* (where the alleged harm is by someone who perform delegated care and supervision of children* and youth* as further described below and includes employees of School Boards/Authority) or Family-Based (where the alleged harm is by someone in the home).

COMMUNITY CAREGIVER* INVESTIGATIONS

All employees of the School Board/Authority who perform delegated care and supervision of children* and youth* are considered to be Community Caregivers* for purposes of a child protection investigation.

Referral Response Times – Community Caregiver* Investigation

The response time to a Community Caregiver* child protection referral is determined by the level of urgency and the assessed level of imminent risk to the subject child*/youth*.

An investigation is initiated:

- within 12 hours for Community Caregiver* investigations where there is imminent risk to the child*,
- within 48 hours for Community Caregiver* investigations where no immediate safety threats are identified,
- within 7 days for Community Caregiver* investigations where no immediate threats are identified.

Initiating the Child Protection Investigation – Community Caregiver*

In addition, the procedures required to complete a family-based child protection investigation, the following steps are taken in circumstances where the investigation relates to a community caregiver*:

- Interview with staff witnesses;
- Interview with child*/youth* witnesses;
- Interview with School Board/Authority Administrator (or designate);
- Interview with the supervisor of the alleged perpetrator;
- Examination of the physical layout of the setting;
- Review of record of restraints and serious occurrences where relevant and permissible under the *Municipal Freedom of Information and Protection of Privacy Act* (see Appendix E – MFIPPA Law Enforcement Request form); and
- Review of relevant facility policy and procedures.

Where the disposition of the referral has determined that the child protection referral constitutes a community caregiver* investigation the Child Protection Worker shall:

- notify the School Board/ Authority Administrator (or designate) of the report of the allegation against the School Board/Authority employee;
- discuss and determine in consultation with the School Board/Authority Administrator (or designate) the notification and timing of relevant parties, including the timing for notification of the School Board/Authority employee who is subject to the allegations (in consultation the NRPS investigating officer, where applicable);
- discuss with the School Board/Authority Administrator (or designate), the applicability of the “Joint Child Abuse Protocol between Family and Children’s Services Niagara, the Niagara Regional Police Services Protocol, Office of the Chief Coroner of Ontario and the Ontario Ministry of the Attorney General”, or its successor;

- discuss with the School Board/Authority Administrator (or designate) the applicability of the School Board/Authority obligations for a parallel investigation pursuant to the *Education Act* and the *Ontario College of Teachers Act*;
- produce photo identification to the School Board/Authority Administrator (or designate) upon entry into a school
- wherever practical, the FACS Child Protection Worker shall contact the School Board/Authority Administrator (or designate) in advance to coordinate an appropriate time to attend the school to interview School Board/Authority staff based on staff availability and to avoid school disruption as much as practicable.

Role of the School Board/Authority Administrator (or Designate) – Community Caregiver* Investigation

(See [Appendix D](#) (Guidelines for Community Caregiver* Investigations) for guidance)

The School Board/Authority Administrator (or designate) will:

- act as the formal liaison with FACS Niagara during the course of the community caregiver* investigation.
- in consultation with the Child Protection Worker and the investigating NRPS Officer, where applicable, determine the timing of and the notification to the School Board/Authority employee who is the subject of the allegation of the Community Caregiver* investigation.
- advise the School Board/School Authority employee of their right to consult with their Federation or Union at the time they receive notification of the allegation.
- ensure access to the child*/youth* who is the subject of the investigation to the investigating Child Protection Worker and investigating NRPS Officer subject to receipt of an executed [Appendix A](#) (School Board/School Authority Child Protection Removal Confirmation– Confirmation of In School Contact with Students).
- facilitate interview of staff witnesses as requested by the investigating Child Protection Worker and investigating NRPS Officer
- where parent/guardian consent is received, facilitate interview of potential student witnesses (potential student witness interviews should occur off school property in the absence of parent/guardian consent)
- provide a private area for meetings and interviews (where appropriate consents, as above-noted, are received).

Conducting the Interview of the Child* - Community Caregiver* Investigation

The interview of a child*/youth* who may be the victim of abuse* is a complex and significant undertaking.

Only in the most exceptional circumstances should a full investigative interview be conducted on a site operated by the School Board/Authority as it is important that the School Board/Authority remain a safe and neutral place for the child*/youth*.

Where it is necessary to interview a child^{*}/youth^{*} at a site operated by the School Board/Authority, a private area shall be provided for purposes of conducting the child^{*} interview, where available. **Every effort shall be undertaken to not disturb a student's attendance at school. FACS Niagara primarily interviews the child at home or jointly with NRPS at the Kristen French Child Advocacy Centre Niagara.**

The interview should be restricted to the assessment of immediate risk to the child^{*}/youth^{*} as a preliminary step in the safety assessment.

Concluding the Investigation – Community Caregiver^{*} Investigation

A Community Caregiver^{*} institutional child protection investigation is concluded when:

- All reasonable efforts have been made to collect evidence and continuing the investigation would yield no new information; or
- Sufficient information is gathered to determine whether:
 - Original or new child protection concerns are verified, not verified or deemed to be inconclusive;
 - The child^{*}/youth^{*} is safe;
 - There is any long-term risk of maltreatment;
 - A child^{*} can remain in the institutional setting; and
 - The institution requires additional supports.

Timeframes for Completion – Community Caregiver^{*} Investigation

The investigation of child^{*} protection concerns can be stressful for children^{*} and families, staff and agencies.

Generally, a child protection investigation will be completed within 45 days.

However, due to the need by the School Board/Authority to make decisions consistent with the terms of the *Education Act* and the *Ontario College of Teachers Act*, FACS Niagara will make every reasonable effort to establish the veracity of complaints regarding School Board/Authority personnel (i.e., Community Caregiver^{*}) within two weeks.

Where FACS has determined that the investigation will proceed in accordance with the definition of a Community Caregiver^{*} investigation, the School Board/Authority Administrator or designate, and the Child Protection Worker will discuss the initiation of the investigation, who should be apprised of the report, and the roles and responsibilities in advising those who will be a part of the investigation.

FACS Niagara shall:

- take into consideration any perceived risk to the child^{*} or any other child^{*} that may result because of the child protection Community Caregiver^{*} investigation;
- determine the appropriate time to notify the parent/guardian or caregiver^{*};
- advise the School Administrator or designate of this notification plan;

NOTE: Where there is an indication that a criminal offence may have occurred, the provisions of the “Joint Child Abuse Protocol between Family and Children’s Services Niagara, the Niagara Regional Police Services, the Office of the Chief Coroner of Ontario and the Ontario Ministry of the Attorney General”, or its successor shall apply.

Case Verification – Community Caregiver* Investigation

At the completion of the investigation, all information is gathered, reviewed and analyzed so as to inform the case verification disposition.

There are three elements of consideration in the verification process which include:

- Did the alleged incident occur as reported?
- Is the child* in need of protection*?
- Is there information to suggest that there is ongoing risk to the child* or any other children*

Outcome Report and Notifications – Community Caregiver* Investigation

Notification of the outcome of the Community Caregiver* investigation is provided in writing to:

- the child*/youth* alleged to be in need of protection* (where appropriate);
- the child*/youth*'s care giver(s);
- the child*/youth*'s CAS worker from another jurisdiction (where applicable);
- the School Board/Authority who was the community caregiver*;
- and the person alleged to have caused the child protection concern at the conclusion of the investigation.

Persons who are the subject of a child protection community caregiver* investigation are informed of the verification decision and that information regarding the investigation has been recorded in the FACS Niagara’s records and that a notice that some or all of the information will be placed on the Ontario Child Protection Information Network for use in child protection services, including by other Children’s Aid Societies.

Notification of the outcome of the investigation is provided to the School Board/Authority Director of Education or designate, within fourteen (14) days of the conclusion of the investigation.

The notification contains non- identifying information including:

- The details of the allegation;
- The verification decision and rationale

FAMILY-BASED INVESTIGATIONS

Where the duty to report is triggered due to an allegation of a child protection concern by a family member or caregiver^{*}, the investigation is considered a Family-Based Investigation.

Where the determination of the disposition is a child^{*} protection investigation in a family-based circumstance, FACS Niagara shall determine the election of one of two possible approaches:

- The “Traditional” approach for family-based cases where a criminal offence is alleged of a child^{*} and/or for extremely severe risk to a child^{*} exists. In this instance, Ministry Standards provide for access to the child^{*} by FACS Niagara in the absence of parental consents or notification to the parents. Ministry Standards also provide for access to the child^{*} by FACS Niagara in the absence of parental/guardian consents and notification where past attempts to intervene via the “Customized” approach have proven unsuccessful and the historical refusal to allow FACS Niagara to meet the child^{*} has heightened the risk of safety/threat.
- Where the family-based investigation proceeds as a “Traditional” investigation, the following steps shall be followed:
 - During the instructional day, School Board/Authority personnel will not inform parent(s)/caregiver(s)^{*} of action taken by FACS Niagara prior to, during or after the action of FACS Niagara to bring a child^{*} to a place of safety but instead will direct all inquiries to FACS Niagara (1-888-937-7731).
 - If the child^{*} discloses “child maltreatment” late in the day or if School Board/Authority staff report an incident of “child maltreatment” late in the day, after consultation with FACS Niagara and depending on the seriousness of the allegation, the student *may* be detained beyond the normal dismissal time and where School Board/Authority staff are directed to detain the student, FACS Niagara will provide the School Board/Authority Administrator with an executed copy of Appendix A (DSBN Child Protection – Confirmation of In School Contact With Students).
 - FACS Niagara holds the responsibility to contact the parent(s)/guardian(s) where the child^{*} will be removed from or detained at school beyond the school day under the “Traditional” approach and to notify the School Board/Authority Administrator when that has been done. The timing of the call by FACS Niagara with the parent/guardian must be such that the school is not left to receive a call from a parent/guardian wondering about the whereabouts of their child^{*}.
 - However, in the event a parent/guardian calls the school about the whereabouts of their child^{*} who has been removed from school or detained in order to meet with FACS Niagara, the Administrator will inform the parent(s)/guardian(s) that a referral to FACS Niagara has been made and direct the parent(s)/guardian(s) to call FACS Niagara for further information (1-888-937-7731)
 - The Police may be called upon for assistance.
 - A private area should be provided for meetings or interviews.
 - School Board/Authority Administrator or designate will normally be present in “loco parentis” when the child^{*} is interviewed, unless otherwise determined in collaboration with FACS Niagara personnel.

- The “Customized” approach is used whenever possible in less severe cases to facilitate family engagement and worker-client relationships that will result in improved child safety.

Where the family-based investigation proceeds as a “Customized” investigation, the following steps shall apply:

- FACS Niagara shall contact the parent(s)/caregiver(s)* prior to any interviews being conducted by FACS Niagara, unless:
 - There is reason to believe that the parent(s)/caregiver(s)* failed to protect the child*
 - There is reason to believe that contacting the parent(s)/caregiver(s)* may compromise the integrity of the evidence

Initiating the Child Protection Investigation – Family-Based Investigation

A family-based investigation involves the following steps.

1. Interview of the child*;
2. Interviews and or observations of all children* being cared for in the home;
3. Interview of the child's* non-abusing caregiver*;
4. Direct observation of the child's* living environment;
5. Interview of the person alleged to have harmed* the child*;
6. Direct observation of the interaction between the subject child* and their caregiver(s)*;
7. Interviews of collaterals;
8. Interviews of all other adults residing in the home;
9. Gathering information relevant to the referral from professionals;
10. Consideration and analysis of all of the information.

Conducting the Interview of the Child – Family-Based Investigation

FACS Niagara respects the duty of School Board/Authority to ensure that students receive an undisturbed instructional school environment as part of the obligation to provide a positive and meaningful education experience.

The interview of a child*/youth* who may be the victim of abuse* is a complex and significant undertaking.

Only in the most exceptional circumstances should a full investigative interview be conducted on a site operated by the School Board/Authority as it is important that the School Board/Authority remain a safe and neutral place for the child*/youth*. **Every effort shall be undertaken to not disturb a student's attendance at school. FACS Niagara primarily interviews the child at home or jointly with NRPS at the Kristen French Child Advocacy Centre Niagara.**

Where it is necessary to interview a child^{*}/youth^{*} at a site operated by the School Board/Authority, a private area shall be provided for purposes of conducting the child^{*} interview, where available.

The interview at school site should be restricted to the assessment of immediate risk to the child^{*}/youth^{*} as a preliminary step in the safety assessment.

As such, where FACS Niagara requires access to a child^{*} who is the subject of a family-based child protection investigation, FACS Niagara will complete and submit an executed Appendix A (School Board/Authority Child Protection Removal Confirmation– Confirmation of In School Contact with Students); along with any supporting documentation identified on this form.

Concluding the Investigation – Family-Based Investigation

A family-based child protection investigation is concluded when all reasonable efforts have been made to collect and consider all relevant information in accordance with the *Ontario Child Abuse Standards*.

Timeframe for Completion – Family-Based Investigation

Generally, a family-based child protection investigation will be completed within 45 days.

Case Verification – Family-Based Investigation

At the completion of the family-based investigation, all information is gathered, reviewed and analyzed to inform the case verification disposition.

There are three elements of consideration in the verification process which include:

- Did the alleged incident occur as reported?
- Is the child^{*} in need of protection^{*}?
- Is there information to suggest that there is ongoing risk to the child^{*} or any other children^{*}

Outcome Report and Notifications – Family-Based Investigation

Notification of the outcome of the Family-Based investigation is provided in writing to:

- the child^{*}/youth^{*} alleged to be in need of protection^{*} (where appropriate);
- the child^{*}/youth^{*}'s care giver(s);
- the child^{*}/youth^{*}'s CAS worker from another jurisdiction (where applicable);
- and the person alleged to have caused the child protection concern at the conclusion of the investigation.

Persons who are the subject of a child protection family-based investigation are informed of the verification decision and that information regarding the investigation has been recorded in the FACS Niagara's records and that a notice that some or all of the information will be placed on the Ontario Child Protection Information Network for use in child protection services, including by other Children's Aid Societies.

The School Board/Authority does not receive notification of the outcome of Family-Based investigations (even where the School Board/Authority reported the allegations to FACS Niagara).

There *may* be circumstances where FACS Niagara may contact the school of the [child*/youth*](#) – for example, if due to a child protection concern, the [child*/youth*](#) will not be returning to the school or may be enrolling in another school.

Where the School Board/Authority made the referral to FACS Niagara under the duty to report and the [child*/youth*](#) does not return to the school the next day, the school should follow the school's normal absence verification process pursuant to Safe School's obligation. In addition, the School Board/Authority Administrator should consider also contacting FACS Niagara as part of the ongoing duty to report. The School Board/Authority Administrator would:

- ask for Screening
- confirm that the call is a follow-up to a child protection referral from the prior day
- advise the [child*/youth*](#) is absent from school (being the day after the initial FACS Niagara referral).

The absence the day following a FACS Niagara referral may also reflect that the [child*/youth*](#) has an ongoing need of protection, which triggers the School Board/Authority's Administrator's continuing duty to report.

Ongoing Child Protection Services Related to Family-Based Investigations

Where it is determined through the case verification process that a [child*](#) is in need of ongoing child protection services, the primary case management services will be transferred to ongoing Child Protection Services.

CHILDREN BROUGHT TO A PLACE OF SAFETY

Children* "in need of protection"* may be admitted into the care of FACS and placed in a residential setting which may include the placement of the child* with a Foster* family, in a Customary Care* placement or a Kinship Care* placement.

Where a child* is placed in the care of FACS Niagara, a Child in Children Services' Worker will additionally be assigned directly to the child*.

Placements for a child in need of protection may include one of the following options:

- Kinship Service* Placement
- Kinship Care* Placement
- Customary Care* Placement
- Foster Home* Placement
- Group Home Care* Placement
- Outside Paid Resource* (Group or Foster) Placement

Each of these placement options reflect distinct custody and guardian circumstances.
(See [Appendix G](#))

Restricting Access to Children* for High Risk Safety Reasons

FACS Niagara may identify a child(ren)* deemed to be at "high risk" from a parent/guardian or third party seeking inappropriate and unauthorized access as a result of a circumstance of family/domestic dispute.

In this instance, FACS Niagara will so advise the School Board/Authority of the risk so that the School Board/Authority can take the appropriate actions.

A safety plan will be developed jointly between the School Board/Authority and FACS Niagara and adjusted accordingly as required.

Role/Responsibilities of FACS Niagara Personnel Where a Child* Has Been Brought to a Place of Safety

FACS will ensure that the child's* educational needs are addressed within the requirements of Ministry regulations and standards. This Protocol shall, where applicable, be subject to the provisions of the "2016 Joint Protocol for Student Achievement" or its successor.

This includes the following:

- To ensure an educational plan is prepared for each child* in care;
- To communicate with educational personnel so that the child* receives an education which corresponds with their aptitudes and abilities;

- To avoid as much as possible placement disruption to a child's* education;
- To contact the child's* teacher and other school personnel at least quarterly but more often as necessary to provide oversight of the child's* progress in school.

Role/Responsibilities of School Board/Authority Personnel Where a Child* Has Been Brought to a Place of Safety

- Offer appropriate support for the student(s).
- Take the appropriate steps to ensure the privacy and confidentiality of the child*.
- Respond to request for records and/or information from another school where the child(ren)* has been placed.
- School personnel shall contact the Authorized Child Protection Worker to inquire about issues regarding legal status, obtaining written consents and /or as required to support the child's* educational needs. (See [Appendix G](#))

School Registration of Child* Admitted to the Care of FACS Niagara

- The Child Protection Worker shall communicate with "current" and "new" school to ensure smooth transition. This includes a discussion with school personnel and review of the legal status of child* in care.
- Where a child's* admission to the care of the Society results in the necessity of a school transfer and following consultation with the FACS Niagara Education Liaison, no less intrusive option is available, the Child Protection Worker shall complete the ***Authorization Form for Delegated School Registration.*** (See [Appendix F](#))
- The Authorization Form for Delegated School Registration ([Appendix F](#)) must be provided by fax, e-mail, FACS Niagara personnel to the School Board/Authority Administrator at time of registration.
- FACS Niagara procedures require that in cases involving students with specialized educational needs, the Authorized Child Protection Worker should take the child* to the school and discuss the case with the appropriate school official.
- The Child Protection Worker shall consult with the FACS Niagara Education Liaison with respect to:
 - 1) Any transportation arrangements which may be required so as to maintain the continuity of the child* in the school setting;
 - 2) Where a child* may require or is subject to a specialized education plan.
- The Child Protection Worker shall advise the school of the role and rights of the child's* parent(s)/guardian(s) regarding visitation and planning in accordance with the child's* specific legal status.

PROTOCOL MANAGEMENT

The School Board/Authority and FACS Niagara shall ensure that all of their respective staff are oriented and trained on the provisions of this Protocol so as to ensure compliance and adherence with said terms and application.

DISPUTE RESOLUTION PRACTICES

All child* protection investigations are to be conducted in a spirit of unreserved collaboration between FACS Niagara and the School Board/Authority.

In the event of a dispute arising with respect to the interpretation or implementation of this Protocol, the parties agree to work in good faith in an attempt to resolve the dispute in a timely manner. The parties will first attempt to resolve the dispute at the lowest level prior to escalating to the next level.

Initial attempts for a resolution of the dispute will be made between the School Board/Authority Administrator and the FACS Child Protection Worker.

If no resolution can be reached, the matter shall be referred to the respective managers of the parties.

In the event that a disagreement cannot be successfully resolved by the respective management staff, the matter shall be referred to the designated Protocol liaisons for the parties.

If no resolution can be reached on the issue, then a discussion for the resolution of the issue shall occur between the School Board/Authority Director of Education (or designate) and FACS Niagara's Executive Director (or designate).

There may be circumstances of urgency that may require the School Board/Authority to escalate the referral outside the above-noted dispute resolution practice. In those exceptional situations, the School Board/Authority Protocol liaison (or delegate) may contact FACS Niagara's Director of Services for further review of the response to the initial referral and the concerns about urgency that may remain.

NOTE:

Persons who are receiving child protection services are entitled to access a formal complaint process at any point during the period of service.

Information regarding this formal complaint process shall be provided to persons receiving services from the investigating representative of FACS Niagara.

***GLOSSARY OF TERMS**

Abuse

An action by a person towards another person that violates the safety or integrity of the individual.

Caregiver

Anyone who is actually or assumed to be in a care giving or supervision capacity and could include, but is not limited to, someone in the child's* family, a school, or a delegated caregiver. (s. 74(2)) The jurisdiction of FACS Niagara to conduct a child protection investigation applies only to circumstance wherein a caregiver relationship exists between the child* or youth* and the person who is alleged to have harmed* the child*.

Child

A person actually or apparently under eighteen (18) years of age pursuant to the *Child, Youth and Family Services Act*. (s. 2(1)) A person subject to a protection order is considered to be a child until they attain eighteen (18) years of age.

Community Care Giver institutional out-of-home setting

Pursuant to Ministry of Children and Youth Services "Child Protection Standards in Ontario", Community Caregivers in Institutional Out-of-Home Settings are any non-family-based setting such as schools, detention facilities, group homes, treatment centers or like facilities or any one exercising delegated care and or custody of a child*.

Customary Care

Customary care refers to the care of a child who is a member of or identifies with a Band or is a member of or identifies with a First Nation, Inuit or Metis community. The child* is not in the care of FACS.

Domestic Violence

Refers to any circumstance in which a child* is exposed to adult conflict as evidenced by physical assaults and/or verbal abuse* between the adults.

Forthwith

Refers to acting in a timely manner, usually right away or the same instructional day, depending on the circumstances of each case.

Foster Care

The provision of residential care to a child by and in the home of a person who is licensed to operate the home under the provisions of the *Child Youth and Family Services Act*.

Grooming

Efforts by an adult to form a special relationship with a child*, as a prelude to abuse*. The intention is to test the "secrecy waters" to determine whether the child* will tell others about the inappropriate behavior. Grooming behaviors desensitize the child* through progressively more sexual behaviors.

Group Home

A licensed (under the *Child, Youth and Family Services Act*) children's residential care facility.

Harassment

A course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Harm

Activity that causes discomfort or fear in present or future life of a person.

Humiliation

An unwelcome action or comment that demeans a person.

In need of protection

Includes any child* showing evidence of physical, sexual* and/or emotional abuse*, neglect* and/or risk of harm*.

Kinship Care

Kinship care refers to the full-time care by a relative, community member, or other adult with whom there is a relationship significant to the [child](#)* or [youth](#)*. The [child](#)* is legally in the care of the FACS Niagara.

Kinship Service

Kinship service refers to the full-time care by a relative, community member, or other adult with whom there is a relationship significant to the [child](#)* or [youth](#)*. The [child](#)* is not in the care of the FACS Niagara.

Misconduct

A behavior by a person that violates a rule or normal practice in interactions.

Neglect

Omission of care or an action to protect the [child](#)*

Outside Paid Resource

A privately operated purchased residential facility placement by a children's aid society

Reasonable Grounds

You do not need to be sure that a [child](#) is or may be [in need of protection](#)* before making a report to FACS. One need only have "reasonable grounds" to suspect that a [child](#)* is [in need of protection](#)*.* In general, "reasonable grounds" are what an average person, given his or her training, background or experience, exercising normal and honest judgment would suspect.

Sexual Abuse

Includes conduct which violates the *Criminal Code*, such as [sexual interference](#)*, invitation to sexual touching, and [sexual exploitation](#)*, as well as any indecent act or exposure

Sexual Exploitation

The touching of a person between the ages of 14 and 18, or the inviting, counseling or inciting of a person between the ages of 14 and 18 to touch the body of any person, for a sexual purpose, by an individual in a position of trust or authority or with whom the young person is in a relationship of dependency.

Sexual Harassment

Objectionable comments or conduct of a sexual nature that may affect a student's integrity or security in the school environment. Any activity, which demeans or causes personal embarrassment to a student based on the student's gender.

Sexual interference

Touching, for a sexual purpose, either directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of fourteen years.

Sexual Misconduct

Offensive conduct of a sexual nature, which may affect the personal integrity or security of any student or the school environment. This includes [sexual abuse](#)*, [sexual harassment](#)* and [sexual relationships](#)* with a student under 18 years of age.

Sexual Relationship

Any sexual relationship with a [youth](#)* under the age of 18, and any conduct directed to establishing such a relationship.

Sexual Trafficking

A [child](#)* is subjected to child sex trafficking where another person does any of the following for the purposes of [sexually exploiting](#)* the [child](#)*: (a) recruits, transports, transfers, receives, holds, conceals or harbours the [child](#)* and (b) exercises control, direction or influence over the movements of the [child](#)*

Youth

A young person who is 12 years of age and under the age of 18 years.

[insert School
Board/Authority Logo]

**SCHOOL BOARD/AUTHORITY
CHILD PROTECTION – CONFIRMATION OF
IN SCHOOL CONTACT WITH STUDENTS**

I _____, acting as an authorized Child Protection employee of Family and Children's Services Niagara (FACS Niagara), hereby request that:

_____ (a student at the [name of school board/authority])

be delivered into my care for the purpose of
(check one):

- an interview on the school premises
- removal from the school premises

The basis for making this request is (check one):

- FACS Niagara is the student's legal guardian pursuant to court order or voluntary care agreement (written confirmation evidenced by signature below)
- I have obtained written consent from the student's legal guardians (must be presented)
- I have obtained a warrant to bring the child to a place of safety (must be presented)
 - ❖ a request to delay the release of the student beyond the end of the school day is deemed a removal
- I do not have consent from the child's legal guardian. Nor do I have a warrant of to bring the child to a place of safety. However, I do believe that the risk to the child is significant and there is an immediacy such that an unscheduled visit is the best way to secure the child's immediate safety.

Signed:

FACS Authorized Child Protection Worker

Print Name: _____

Witness: _____

(Administrator or Designate)

Date: _____

**GUIDELINES
"REASONABLE GROUNDS"
TO SUSPECT THAT A CHILD IS IN NEED OF PROTECTION**

ARE THERE REASONABLE GROUNDS TO SUSPECT THAT A CHILD IS IN NEED OF PROTECTION?

To clarify thoughts, it may be helpful to consider the following list of issues in formulating an answer to this important question.

SOURCES OF INFORMATION

Is the information based on direct observation?

Is the information based on first-hand disclosure?

Is the information from a third party?

TYPE(S) OF CHILD MALTREATMENT

Types of Information Regarding Experience(s) That a Child Has Had or is at Risk to Have May Include:

Physical Abuse

- Evidence of cuts, bruises, burns, broken bones, disorientation

Sexual Abuse/Sexual Exploitation/Sexual Trafficking

- Evidence of age-inappropriate knowledge and/or actions re sexual matters, including expressions through art or journals
- Reports of inappropriate actions by adults
- Possession of inappropriate materials

Emotional Abuse

- Evidence of self-abusive behaviour
- Persistent withdrawn, passive behaviour
- Physical/verbal aggression toward peers

Neglect

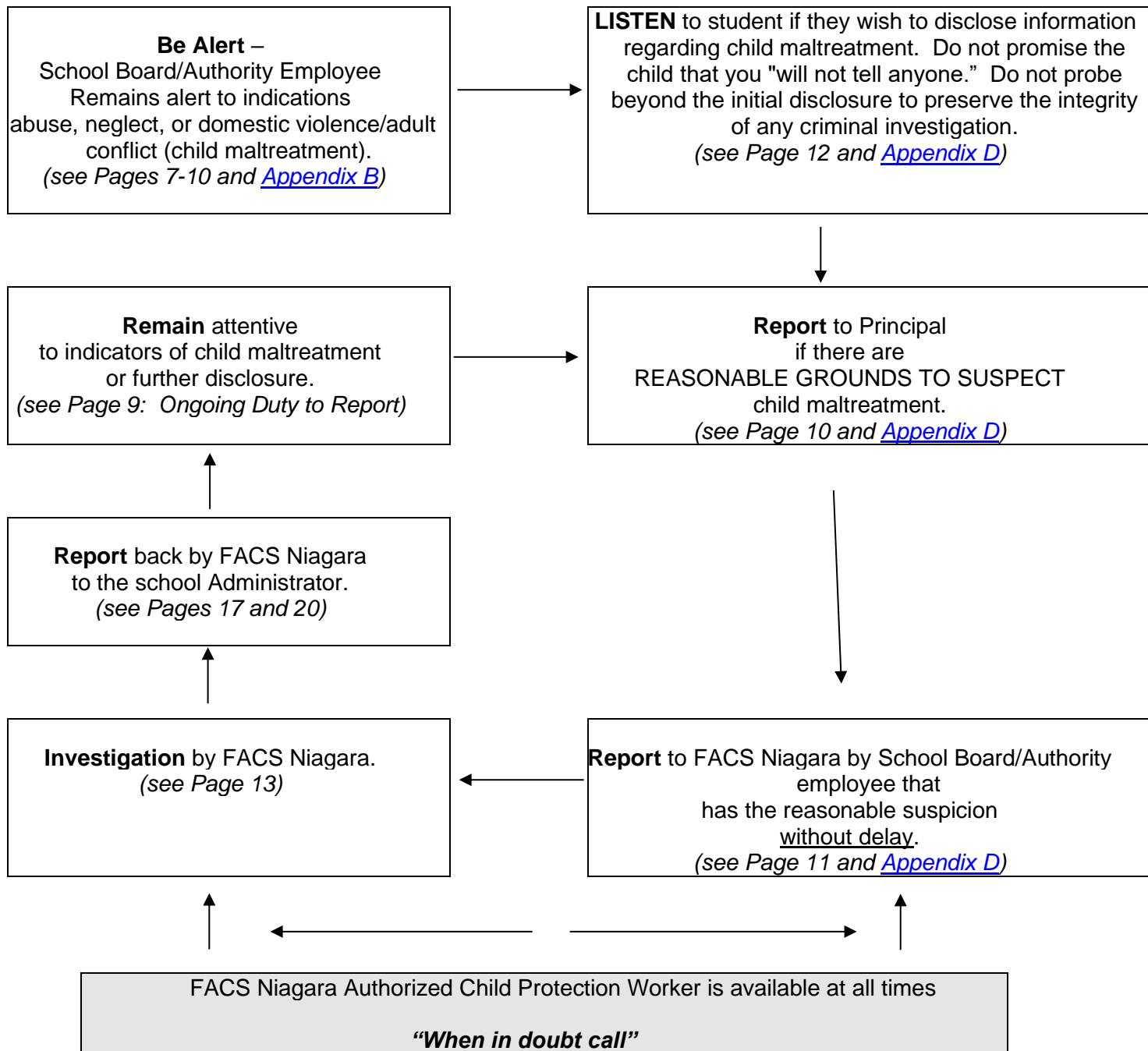
- Major incident or pattern of incidents indicating:
 - lack of appropriate supervision
 - poor hygiene
 - inadequately dressed
- Evidence that child witnessed alcohol/drug abuse, family violence

Domestic Violence/Adult Conflict

- The child is at risk of harm as a result of adult conflict in the home
- The child has been harmed as a result of adult conflict in the home

[insert School
Board/School
Authority
logo]

REPORTING PROCEDURE FOR CHILD MALTREATMENT



[insert School Board/School Authority logo]

GUIDELINES FOR COMMUNITY CAREGIVER* INVESTIGATIONS

WHAT IF A COMPLAINT IS MADE REGARDING SCHOOL BOARD/AUTHORITY PERSONNEL OR VOLUNTEERS (i.e., against a Community Caregiver*)?

A. REPORTING TO FACS

Community Caregiver* investigations are investigations where the complaint is against School Board/Authority personnel. Different scenarios may arise regarding complaints made regarding School Board/Authority personnel. When a complaint regarding School Board/Authority personnel is communicated to a School Board/Authority Administrator, the School Board/Authority Administrator will gather basic information to determine if there are reasonable grounds to suspect that a child is in need of protection, which triggers the duty to report to FACS Niagara without delay. **School Board/Authority staff are cautioned not to go beyond the basic information as it is important for FACS Niagara and/or Niagara Regional Police Service (NRPS) to conduct the comprehensive interview first in order to preserve the integrity of any potential criminal investigation.**

Once reported, FACS Niagara will then take responsibility for informing the School Board/Authority staff member that they will be initiating an investigation. The School Board/Authority Administrator gathers no further information without consultation with the appropriate School Superintendent and, in the case of the DSBN, General Counsel. A subsequent decision to continue information gathering would be made in collaboration with FACS Niagara and/or the NRPS as it is important that School Board/Authority staff take no steps to compromise the investigation of FACS Niagara and/or NRPS.

1. Complaint made by a student/parent/guardian regarding a staff member directly to School Board/Authority Administrator

- School Board/Authority Administrator will initiate the preliminary gathering of information at the school level to determine the nature of the complaint. **Note as above-noted, FACS Niagara and/or NRPS should conduct the comprehensive interview first to preserve the integrity of their criminal investigation**
- School Board/Authority Administrator should contact School Superintendent and, in the case of the DSBN, General Counsel for guidance
- School Board/Authority Administrator should not allow the staff member who is the subject of the allegation to "question" the student
- During the gathering of information, or based upon the preliminary findings, the staff member may have their duties adjusted or suspended by the School Board/Authority
- School Board/Authority will consult with FACS Niagara and NRPS on the timing of when the employee will be notified of the allegation. When being notified, the School Board/Authority Administrator will encourage the staff member to contact their Federation/Union

APPENDIX D – FACS PROTOCOL

2. Complaint made by a student/parent to staff member regarding another staff member

- Staff member should inform School Board/Authority Administrator immediately
- Same process as outlined in Situation 1 will then be used, except staff member (possibly with assistance of School Board/Authority Administrator) has a personal "duty to report" matter to FACS Niagara, who may conduct an investigation and who may involve the Police, as circumstances dictate

3. Complaint is being made by a staff member regarding another staff member

- Staff member should inform School Board/Authority Administrator immediately
- Same process as outlined in Situation 1 will then be used, except staff member (possibly with assistance of School Board/Authority Administrator) has a personal "duty to report" matter to FACS Niagara, who may conduct an investigation and who may involve the Police, as circumstances dictate

4. Complaint about a staff member is communicated by FACS Niagara or the Police to the School Board/Authority Administrator

- The School Board/Authority Administrator and other Board Officials will co-operate with the agencies and/or the Police investigation
- If FACS Niagara will be conducting an investigation without Police involvement, FACS Niagara will immediately inform the staff member involved in the complaint
- When being notified, the School Board/Authority Administrator will encourage the staff member to contact their Federation/Union
- During the gathering of information, or based upon the preliminary findings, the staff member may have their duties adjusted or suspended by the Board

5. Complaint made by a student/parent/guardian/staff member/member of the community about the School Board/Authority Administrator

- The School Superintendent (or Board Chair for the School Authority) should be informed immediately, who will initiate preliminary gathering of information to determine the validity of the complaint
- Same process as outlined in Situation 1 will then be used, except the School Superintendent (or Board Chair for the School Authority) will perform the duties of the School Board/Authority Administrator (in Situations #1 to #4), in consultation with the Director of Education and, in the case of the DSBN, General Counsel

6. Complaint made by any person regarding a school volunteer

- The School Board/Authority Administrator and other Board Officials will co-operate with the FACS Niagara and/or the Police investigation and any investigation by the volunteer agency, if any

APPENDIX D – FACS PROTOCOL

- If FACS Niagara will be conducting an investigation without Police involvement, they will immediately inform the volunteer involved in the complaint
- During the gathering of information, or based upon the preliminary findings, the volunteer may have their involvement in school activities adjusted or suspended by the School Board/Authority

B. SCHOOL BOARD/AUTHORITY INFORMATION GATHERING

- For the purposes of determining the need for disciplinary and discharge proceedings, the School Board/Authority may, in consultation with FACS Niagara and/or the Police, continue an internal parallel investigation based on their preliminary findings. This may be done concurrently with the FACS Niagara and Police investigations. However, in order to preserve evidence, School Board/Authority will permit FACS Niagara and/or the Police to complete interviews of the student and the School Board/Authority employee prior to School Board/Authority interviewing for the School Board/Authority investigation. FACS Niagara and/or Police will proceed expeditiously with their interviews and communicate with the School Board/Authority as to the timing
- The outcomes and findings of each party's investigation will not necessarily be dependent upon one another
- School Board/Authority personnel will co-operate and communicate with FACS Niagara/Police personnel in order to facilitate a timely resolution to cases in which complaints have been made regarding School Authority personnel

C. FACS NIAGARA/POLICE INVESTIGATION

- The parties recognize that FACS Niagara has the prime responsibility for any child protection investigation and for protection of the child, while the Police have prime responsibility for the criminal investigation and any criminal charges arising from the investigation
- Refer to the Niagara Regional Police Service/School Board/Authority Protocol re Questioning of Student as Witness and/or Potential Suspect

D. REPORTING

- Due to the need by School Board/Authority to make decisions consistent with the terms of the *Education Act* and the *Ontario College of Teachers Act*, FACS Niagara will make every reasonable effort to establish the veracity of complaints regarding School Board/Authority personnel within two weeks
- Throughout the FACS investigation, FACS Niagara will keep the appropriate School Board/Authority Superintendent (or Board Chair for the School Authority), and in the case of DSBN, General Counsel informed on the progress of the case in a timely fashion
- FACS Niagara will inform the appropriate School Board/Authority Superintendent (or Board Chair for the School Authority), and in the case of DSBN, General Counsel if charges are going to be laid or other corrective actions taken
- FACS Niagara will inform the appropriate School Board/Authority Superintendent (or Board Chair for the School Authority), and in the case of DSBN, General Counsel if they will be taking no further action

APPENDIX D – FACS PROTOCOL

- Following the completion of the FACS Niagara investigation, if no action is to be taken by FACS Niagara, FACS Niagara personnel will inform the Referent and the person who is the subject of the investigation which may take place in the presence of appropriate School Board/Authority and Federation/Union representatives
- FACS Niagara will provide a letter to the School Board/Authority and/or staff member indicating the investigation is complete and the outcome is known
- While the FACS Niagara/Police determination may be an "unable to verify report," the School Board/Authority may still, in its discretion, determine there is sufficient information from its own investigation for discipline or discharge

WHAT IF A THIRD PARTY WISHES TO DISCUSS A CHILD MALTREATMENT SITUATION WITH SCHOOL/SCHOOL BOARD/AUTHORITY) PERSONNEL?

- School Board/Authority personnel will make third party aware of duty to report to FACS Niagara for all members of the community
- Third party who insists on speaking with school personnel must speak only to the School Board/Authority Administrator. If approached, all other school staff are asked to refer person to the School Board/Authority Administrator
- If, despite encouragement to contact FACS Niagara, third party describes alleged "child maltreatment," School Board/Authority personnel will follow procedure in this Protocol to determine if they now have "reasonable grounds to suspect" and need to report to FACS Niagara
- School Board/Authority Administrator will advise FACS Niagara, if in receipt of a report by a third party

WILL SCHOOL PERSONNEL BE TOLD IF A SITUATION REGARDING A STUDENT IS REPORTED TO FACS BY SOMEONE IN THE COMMUNITY AT LARGE?

- FACS Niagara personnel may speak to School Board/Authority personnel during course of investigation of a complaint, and/or
- School Board/Authority personnel may be part of plan of service for child/family

APPENDIX E – FACS PROTOCOL

**REQUEST FOR INFORMATION
RELATED TO A LAW ENFORCEMENT
INVESTIGATION
CONFIDENTIAL WHEN COMPLETED**

SAMPLE

--- This section to be completed by the requester or staff member receiving
request ---

Name		Telephone	
Organization		Fax Number	
Title/Position		E-mail Address	
Badge # / Staff ID		Cell Phone	
Date Requested		Date Required	

Provide a detailed description of the requested information, and indicate the preferred format for disclosure:			
<input type="checkbox"/> Receive Copy <input type="checkbox"/> View Original <input type="checkbox"/> Verbal Response <input type="checkbox"/> Email <input type="checkbox"/> Fax			

This information is required for the following:

Reason(s) for request	Incident #
<input type="checkbox"/> Law Enforcement Proceeding	
<input type="checkbox"/> Investigation	
<input type="checkbox"/> Investigation with warrant or summons	
<input type="checkbox"/> Building case for warrant or summons	
<input type="checkbox"/> Issuing of warrant or summons	
<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Other (Please Describe):	

By signing below, you certify that the following is true and accurate,

I am authorized to act as a representative of the above named law enforcement agency and the requested information is required to aid an investigation with a view to a law enforcement proceeding or from which a law enforcement proceeding is likely to result

Requestor Signature		Date	
------------------------	--	------	--

--- This section to be completed by Institution staff ---

Request Received By (Name):		Date Received	
Recommendation on Disclosure:			
Manager/Designate Signature		Date of Response	

Form Rev. Feb/18

APPENDIX F – FACS PROTOCOL



Family and Children's
Services Niagara

Les Services à la famille
et à l'enfance de Niagara

AUTHORIZATION FORM FOR DELEGATED SCHOOL REGISTRATION

A SEPARATE FORM MUST BE COMPLETED FOR EACH CHILD

Name of Child: _____

Date of Birth: _____
(dd/mm/yy)

Name of Previous School: _____ Grade _____

Address of Previous School: _____

The child has been placed in:

Foster Care Kinship Service Group Care Customary Care Kinship Care

CONTACT INFORMATION OF CURRENT GUARDIAN:

Name: _____

Address: _____

Home Telephone: _____ Mobile Telephone: _____

This confirms that the current Guardian, _____, is authorized by Family and Children's Services of the Niagara Region to complete the registration of the above-named student for school.

CHILD SPECIFIC NOTES:

The child has the following academic, emotional or physical needs which the school needs to be aware of to facilitate the child's transition into a new school placement;

Is the child presently taking any medication? Yes No

Are there any concerns about, or restrictions on the child that could affect their own safety or the safety of other students or staff? Yes No

If YES, explain: _____

Name of FACS Worker (please print): _____

Telephone Number: 905-937- 7731 Ext _____

Signature

Date

FACS NIAGARA & SCHOOL BOARD/AUTHORITY GUARDIANSHIP COMMUNICATION AND CONSENT GUIDELINES

There are various scenarios where FACS Niagara is involved in the delivery of care or monitoring of care to children. The School Board/ Authority requires confirmation of the extent of FACS Niagara's involvement to determine who is the "guardian" of the child and who should be contacted to obtain consent regarding educational, medical, disciplinary matters, or to share information. These arrangements are either informal or formal. If formal, they fall into one of five categories.

PRIVATE INFORMAL ARRANGEMENT

There are situations where FACS Niagara may be aware that parent(s)/guardian(s), due to illness or other extenuating personal circumstances, have made "private informal arrangements" with other family members to care for their children for a period of time. FACS Niagara may know about the creation of these initial arrangements but there is no guardian status by FACS Niagara in the monitoring of these private informal arrangements. Therefore, the School Board/Authority will obtain from the family member, appropriate written documentation granting consent to these arrangements on a case-by-case basis.

Sometimes family members in these temporary situations apply to Ontario Works for financial assistance to care for a dependent child. While these monies are called "Regional Foster Allowance," they have nothing to do with Foster Care, and will be terminated if Ontario Works determines the arrangements for care are going to be a permanent relationship.

FORMAL ARRANGEMENTS INVOLVING FACS

**** Significant Consents** include consents related to assessments (e.g. IPRC, IEP, psych-ed, speech language) and consents for significant matters (report cards, use of physical restraints, suspension/expulsion, medical consents, overnight trips or international travel)

***** Less Significant Consents** include homework sheets, school day trips

TYPE OF FORMAL ARRANGE-MENT	DESCRIPTION OF ARRANGEMENT	WHO SIGNS EDUCATION RELATED CONSENTS ON BEHALF OF THE CHILD	WHO RECEIVES FORMAL COMMUNICA-TION ABOUT THE CHILD	WHO CAN MAKE INFORMAL ENQUIRIES ABOUT THE CHILD
Kinship Service Placement	<p>The child has been placed with a member of child's own extended family or community as the result of a child protection intervention.</p> <p>The child <u>is not</u> in the care of FACS Niagara</p>	<ul style="list-style-type: none">The designated Kinship Service Provider where temporary guardianship assigned	<ul style="list-style-type: none">The designated Kinship Service Provider where temporary guardianship assigned	<ul style="list-style-type: none">The designated Kinship Service Provider where temporary guardianship assigned

APPENDIX G – FACS PROTOCOL

		<ul style="list-style-type: none"> • The parent(s)/guardian(s) of the child 	<ul style="list-style-type: none"> • The parent(s)/guardian(s) of the child • FACS Niagara Child Protection Worker 	<ul style="list-style-type: none"> • The parent(s)/guardian(s) of the child • FACS Niagara Child Protection Worker
Kinship Care Placement	<p>The child has been placed with a member of the child's own extended family or community as the result of a child protection intervention.</p> <p>The child <u>is</u> in the care of FACS Niagara</p>	<ul style="list-style-type: none"> • FACS Niagara Child Protection Worker for all Significant Consents** • The designated Kinship Care Provider for the Less Significant Consents*** 	<ul style="list-style-type: none"> • FACS Niagara Child Protection Worker • The designated Kinship Care Provider 	<ul style="list-style-type: none"> • FACS Niagara Child Protection Worker • The designated Kinship Care Provider
Customary Care for First Nations, Inuit or Metis Children	<p>The care and supervision of a First Nation, Inuit or Metis child by a person who is not the child's parent, according to the custom of the child's band or First Nations, Inuit or Metis community as a result of a child protection intervention, subject to a formal customary care agreement being established.</p> <p>In this situation the child <u>is not</u> in the care of FACS Niagara, but the care arrangement is <u>supervised by</u> FACS Niagara.</p>	<ul style="list-style-type: none"> • The designated Customary Care provider where temporary guardianship assigned • The parent(s)/guardian(s) of the child 	<ul style="list-style-type: none"> • The designated Customary Care provider where temporary guardianship assigned • The parent(s)/guardian(s) of the child • FACS Niagara Child Protection Worker 	<ul style="list-style-type: none"> • The designated Customary Care Provider where temporary guardianship assigned • The parent(s)/guardian(s) of the child • FACS Niagara Child Protection Worker
Temporary Care Agreement	<p>Children can come into the care of FACS voluntarily under a Temporary Care Agreement for a maximum of twelve (12) months. These children will reside in a Foster Home, <u>but</u> the biological parents still retain all the legal parenting rights for granting consent and receiving information unless otherwise specified.</p> <p>While there is no Court Order in this situation, the Authorized FACS</p>	<ul style="list-style-type: none"> • The parent(s)/guardian(s) of the child • An individual designated in the Temporary Care Agreement where temporary 	<ul style="list-style-type: none"> • The parent(s)/guardian(s) of the child • An individual designated in the Temporary Care Agreement where temporary 	<ul style="list-style-type: none"> • The parent(s)/guardian(s) of the child • An individual designated in the Temporary Care Agreement where temporary

APPENDIX G – FACS PROTOCOL

	Niagara Child Protection Worker could acknowledge the existence of the "Temporary Care Agreement" and any authority granted by the parents to FACS Niagara to give consent pursuant to this agreement.	guardianship is assigned <ul style="list-style-type: none">• FACS Niagara Child Protection Worker	guardianship is assigned <ul style="list-style-type: none">• FACS Niagara Child Protection Worker	guardianship is assigned <ul style="list-style-type: none">• FACS Niagara Child Protection Worker
Temporary Supervision Order	In these situations, the Court issues an Order placing a child into the <u>care and custody</u> of an extended family member or community member, subject to FACS Niagara monitoring supervision. The extended family or community member may be given information by school personnel and can provide consent when required by the School Board/Authority. The Authorized FACS Niagara Child Protection Worker can verify the Court Order exists and the date of the Order.	• Court appointed Family Provider (i.e. granted custody)	• Court appointed Family Provider (i.e. granted custody) • An individual designated by the order with rights of access • FACS Niagara Child Protection Worker	• Court appointed Family Provider (i.e. granted custody) • An individual designated by the order with rights of access • FACS Niagara Child Protection Worker
Temporary Care and Custody Order	In this situation, the child is placed into the temporary <u>care and custody</u> of FACS Niagara pursuant to a Court Order. The Authorized FACS Niagara Child Protection Worker can verify the Court Order exists and the date of the Order. While FACS Niagara is the "guardian" in these situations, practically speaking, FACS Niagara would ask the parent(s)/guardian(s) to co-sign consents in some matters such as children taking overnight or international school trips or referrals to IPRCs. FACS Niagara must be consulted regarding all consents in this category.	• FACS Niagara Child Protection Worker • FACS Niagara co-signs with parent(s) /guardian(s) for all Significant Consents**	• FACS Niagara Child Protection Worker • The parent(s) /guardian(s) of the child	• FACS Niagara Child Protection Worker • The parent(s) /guardian(s) of the child
Interim Society Care	After a hearing is held, the Court may make an Order that the child is in need of protection. The Court may then order the child be made a Society Ward for a minimum of three (3)	• FACS Niagara Child Protection Worker for all	• FACS Niagara Child Protection Worker for all	• FACS Niagara Child Protection Worker

APPENDIX G – FACS PROTOCOL

	<p>months, and up to a maximum of twelve (12) months.</p> <p>When a child is a Society Ward, FACS Niagara exercises the authority of the parent as the legal guardian of the child. The Authorized FACS Niagara Child Protection Worker could verify the Court Order exists and the date of the Order.</p>	Significant Consents**	Significant Consents**	<ul style="list-style-type: none"> • The parent(s) /guardian(s) of the child unless otherwise prohibited by order
Extended Society Care	<p>A child is in the extended care and custody of a Children's Aid Society until such time as one of the following occurs:</p> <ul style="list-style-type: none"> • The court terminates the court order; • The child marries; • The child turns 18 years of age; • The child is adopted. <p>FACS Niagara exercises the authority of the parent as the legal guardian of the child.</p>	<ul style="list-style-type: none"> • FACS Niagara Child Protection Worker 	<ul style="list-style-type: none"> • FACS Niagara Child Protection Worker for all Significant Consents** • The parent(s) /guardian(s) of the child with the prior approval of the Society or by order of the court 	<ul style="list-style-type: none"> • FACS Niagara Child Protection Worker • The parent(s) /guardian(s) of the child with the prior approval of the Society or by order of the court
Ready, Set, Go	<p>The provision of supports to youth, including financial assistance to eligible youth leaving the care of a Children's Aid Society or Customary care beyond their 18th birthday to the age of 21 years to assist in the successful transition to independence.</p>	<ul style="list-style-type: none"> • The individual Youth • FACS Niagara Child Protection Worker 	<ul style="list-style-type: none"> • The individual youth • FACS Niagara Child Protection Worker 	<ul style="list-style-type: none"> • The individual Youth • FACS Niagara Child Protection Worker
Voluntary Youth Services Agreement	<p>A voluntary services agreement between youth who are 16 or 17 years of age who need child protection services and supports, including out-of-home placement and cannot be adequately protected at home or in their current living situation.</p>	<ul style="list-style-type: none"> • The individual Youth 	<ul style="list-style-type: none"> • The individual Youth 	<ul style="list-style-type: none"> • The individual Youth • FACS Niagara Child Protection Worker