

**CHILD PROTECTION PROTOCOL**

**BETWEEN**

**NIAGARA CATHOLIC DISTRICT SCHOOL  
BOARD (NIAGARA CATHOLIC)**

**AND**

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

**SEPTEMBER 2022**



Family and Children's  
Services Niagara

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



Niagara Catholic  
District School  
Board

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**INTRODUCTION**

This Protocol represents the formalization of the many years of existing collaboration between the Niagara Catholic District School Board and Family and Children's Services Niagara.

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\*.

  
\_\_\_\_\_  
Executive Director Family and Children's Services  
of the Niagara Region

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Director of Education Niagara Catholic  
District School Board

  
\_\_\_\_\_  
Date

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

## PURPOSE

This Protocol between **Family and Children's Services Niagara** (hereinafter referred to as **FACS Niagara**) and the **Niagara Catholic District School Board** (hereinafter referred to as **NIAGARA CATHOLIC**) 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 protection of [children](#)\*.

This Protocol is an agreement that enables the two parties:

- To establish a set of procedures to assist in collaborative and responsive service provision to [children](#)\*, [youth](#)\* and their families;
- To coordinate a response to, and the investigation of, child abuse and/or neglect;
- To clarify the roles and responsibilities of each party;
- To establish clear lines of communication;
- To ensure consistency among all parties in the implementation of this Protocol;
- 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. NIAGARA CATHOLIC and FACS Niagara 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](#)\*, NIAGARA CATHOLIC and FACS Niagara 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 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 NIAGARA CATHOLIC District School Board**

NIAGARA CATHOLIC provides quality public education that empowers all school aged children\* and youth\* residing within the Niagara Region with knowledge and a desire to learn.

The NIAGARA CATHOLIC mission and vision statements will guide the actions outlined within this protocol.

MISSION: We are a Christ-centered Catholic faith community that celebrates diversity and fosters spiritual growth, inspiring all to reach their full potential in mind, body and spirit.

VISION: "Encountering souls and opening minds so that all students succeed."

### **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."

This Protocol shall, where applicable, be subject to the provisions of the "2016 Police/Niagara Catholic District School Board (NIAGARA CATHOLIC) Protocol."

## **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 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 [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 behavior, 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 to 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 C](#) (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\* to make a further report under section 125(1) of the Act, 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) or (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\*.

## Anti-Sex Trafficking

FACS Niagara contributed to the NIAGARA CATHOLIC's Anti-Sex Trafficking Protocol and will continue to work with the NIAGARA CATHOLIC to review and update it, as necessary. FACS Niagara will be invited to participate in any reporting process requested by the Ministry of Education regarding the Anti-Sex Trafficking Protocol, to determine how the protocols have helped children and youth in care stay out of, or exit, human trafficking.

If a person, including a person who performs professional or other duties with respect to children, has reasonable grounds\* to suspect a child has been sexually exploited as a result of being subjected to child sex trafficking, and/or there is a risk that a child is likely to be sexually exploited as a result of being subjected to child sex trafficking, the person shall follow the NIAGARA CATHOLIC's Anti-Sex Trafficking Protocol in conjunction with this protocol and shall immediately report the suspicion and the information upon which it is based to a society.

A child is subjected to child sex trafficking where another person does any of the following for the purposes of sexually exploiting the child:

1. Recruits, transports, transfers, receives, holds, conceals or harbors the child.
2. Exercises control, direction or influence over the movements of the child.

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 if the child protection worker or the peace officer has reasonable and probable grounds to believe that the child has been sexually exploited as a result of being subjected to child sex trafficking, is in need of protection, and that,

- (a) the child has suffered physical harm inflicted by a person involved in subjecting the child to 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 sex trafficking.

- (e) the child's finances are being controlled by a person involved in subjecting the child to 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 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.

NIAGARA CATHOLIC's employees will receive comprehensive anti-sex trafficking training so they are equipped to identify the signs of sex trafficking, safely respond to disclosures, be culturally relevant and responsive to diverse student populations, and support the immediate physical and emotional safety needs of students. Training will emphasize how to respond to immediate dangers and the need to avoid actions that will make an individual's situation worse or more unsafe.

FACS Niagara will work with NIAGARA CATHOLIC to ensure that the anti-sex trafficking protocols demonstrate a human rights-based, non-judgmental, culturally responsive, survivor-centered and trauma-informed approach to raising awareness, preventing, identifying and responding to sex trafficking.

**For further details regarding NIAGARA CATHOLIC's anti-sex trafficking response procedures, please refer to the NIAGARA CATHOLIC's Anti-Sex Trafficking Protocol.**

## **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.

### **When in doubt consult with FACS Niagara**

Where uncertainty exists with respect to the duty to report a child protection concern, a consultation may be undertaken with FACS Niagara whereby the circumstances of concern are described in a non-identifying way.

If in the view of FACS Niagara the circumstances indicate that there are, in fact, child protection concerns, the consultation will shift to a formal reporting process.

### **Notification of NIAGARA CATHOLIC Administrative Staff**

Staff of NIAGARA CATHOLIC 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 NIAGARA CATHOLIC Employee**

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, NIAGARA CATHOLIC has a duty to conduct a separate parallel investigation into the circumstances which give rise to the Duty to Report.

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

- NIAGARA CATHOLIC 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 person who is the subject of the allegation of the investigation.
- NIAGARA CATHOLIC Administrator shall advise NIAGARA CATHOLIC 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 **regardless of the time of day** to FACS Niagara. The telephone number is **905-937-7731 or 1-888-937-7731**.

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”) 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.

**Communication Record- [Appendix A](#)**- Please complete if any communication has taken place between FACS and NIAGARA CATHOLIC as outlined in [Appendix I](#). Completed Communication Records are not to be placed in the child’s OSR. It should be stored in the Principal’s office in a FACS binder clearly marked Private and Confidential.

## Referral Information

Where the Referent 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.

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, or trafficked, the [child](#)\*/[youth](#)\*;
- Current location of the person alleged to have caused the [harm](#)\* to, or trafficked, 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\(ren\)](#)\*

## Documentation of Referral

The Referent shall document the account of the reported incident using [Appendix A- Communication Record](#) or basis for the child protection referral in accordance with the policy and procedures of the NIAGARA CATHOLIC.

### 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 NIAGARA CATHOLIC.

## **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.

## **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.

## **FAMILY BASED INVESTIGATIONS**

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 cases where a criminal assault 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 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 investigation proceeds as a “Traditional” investigation, the following steps shall be followed:
  - During the instructional day, NIAGARA CATHOLIC personnel will not inform parent(s)/caregiver(s) of action taken by FACS Niagara prior to, during or after apprehension has occurred 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 NIAGARA CATHOLIC 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 NIAGARA CATHOLIC staff are directed to detain the student, FACS Niagara will provide the NIAGARA CATHOLIC Administrator with an executed copy of [Appendix B](#) ( NIAGARA CATHOLIC Child Protection – Confirmation of In School Contact With Students).
  - FACS Niagara holds the responsibility to contact the parents where the child will be removed

from or detained at school beyond the school day under the “Traditional” approach and to notify NIAGARA CATHOLIC Administrator when that has been done. The timing of the call by FACS Niagara with the parent must be such that the school is not left to receive a call from a parent wondering about the whereabouts of their child.

- However, in the event a parent 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 parents that a referral to FACS Niagara has been made and direct the parents 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.
  - NIAGARA CATHOLIC 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**” more collaborative family strength-based approach for lower risk cases is used to facilitate engagement in safety planning for the [child](#)\*.

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

- FACS Niagara shall contact the parent/caregiver prior to any interviews being conducted by FACS Niagara, unless:
  - There is reason to believe that the parent/caregiver failed to protect the child
  - There is reason to believe that contacting the parent/caregiver may compromise the integrity of the evidence
- **NOTE:** The first contact by FACS Niagara is with the parent/[caregiver](#)\*. In many instances the first contact will be with both the parent/guardian and the [child](#)\*/[youth](#)\* together.

## **COMMUNITY CAREGIVER\* IN INSTITUTIONAL OUT OF HOME CARE INVESTIGATIONS**

All employees of the NIAGARA CATHOLIC who perform delegated care and supervision of [children](#)\* and [youth](#)\* are considered to be [Community Caregivers](#)\* for purposes of a child protection investigation

## **PHYSICAL RESTRAINTS**

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](#)\* behavior by the [caregiver](#)\*.

Such circumstances include situations in which:

- someone is specifically alleging the behavior 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.

## Response Times

The response time to a 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 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 where no immediate threats are identified.

## The Process and Timeframes for an 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 NIAGARA CATHOLIC 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 NIAGARA CATHOLIC personnel as quickly as possible.

Where FACS has determined that the investigation will proceed in accordance with the definition of a [Community Caregiver](#)\* investigation, NIAGARA CATHOLIC 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 investigation;
- determine the appropriate time to notify the parent or [caregiver](#)\*.
- advise the NIAGARA CATHOLIC 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" shall apply.

## INITIATING THE INVESTIGATION

**Every effort shall be undertaken to not disturb a student's attendance at school.**



Wherever practical, the FACS Child Protection Worker shall contact the school to provide prior notification of the pending arrival at the school.

Upon arrival at the school the FACS Child Protection Worker shall attend at the school office and present FACS Niagara photo identification and provide an executed copy of [Appendix B](#) (Niagara Catholic District School Board (NIAGARA CATHOLIC) Child Protection Confirmation of In School Contact with Students) before interviewing a [child](#)\* during instructional hours or removing the [child](#)\*.

## **SPECIAL CIRCUMSTANCES: ALLEGATIONS AGAINST NIAGARA CATHOLIC EMPLOYEES**

As stated above, employees of NIAGARA CATHOLIC 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.

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

- NIAGARA CATHOLIC 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 person who is the subject of the allegation of the investigation.
- NIAGARA CATHOLIC Administrator shall advise NIAGARA CATHOLIC Employee of their right to consult with their Federation or Union.

Where the disposition of the referral has determined that the child protection referral constitutes a [community caregiver](#)\* institution out-of- home care investigation the Child Protection Worker shall:

- notify the NIAGARA CATHOLIC Administrator (or designate) of the report.
- discuss and determine in consultation with the NIAGARA CATHOLIC Administrator (or designate) the notification and timing of relevant parties.
- discuss with the NIAGARA CATHOLIC 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”.
- discuss with the NIAGARA CATHOLIC Administrator (or designate) the applicability of the NIAGARA CATHOLIC obligations pursuant to the *Education Act* and the *Ontario College of Teachers Act*.
- produce photo identification to the NIAGARA CATHOLIC Administrator (or designate) upon entry into a school; and
- provide an executed [Appendix B](#) (Child Protection Removal Confirmation– Confirmation of In School Contact with Students) to School Principal where the [child](#)\*/[youth](#)\* is to be interviewed at the school or removed from the school.

**Role of the NIAGARA CATHOLIC Administrator (or Designate) During Special Circumstance Investigations** (See [Appendix E](#) (Guidelines for Special Circumstances

Investigations) for guidance)

- The NIAGARA CATHOLIC Administrator (or designate) will act as the formal liaison with FACS Niagara during the course of the investigation.
- The NIAGARA CATHOLIC Administrator (or designate) will 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 B](#) (Child Protection Removal Confirmation– Confirmation of In School Contact with Students).
- A private area shall be provided for meetings and interviews.

## CONDUCTING THE INVESTIGATION

### ACCESS TO A [CHILD\\*](#) WHO IS THE SUBJECT OF A CHILD PROTECTION INVESTIGATION

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

As such, the following documentation requirements apply where FACS Niagara requires access to a [child\\*](#) who is the subject of a child protection investigation.

- (1) The presentation and provision of a *Warrant to Apprehend* where FACS Niagara has the authority to apprehend a [child\\*](#) from the school.
- (2) A *FACS Letter of Apprehension* where the risk to the [child\\*](#) is imminent and any delay in seeking a warrant of apprehension would put the [child\\*](#) at further risk of [harm\\*](#).
- (3) A confirmation, in writing, of legal guardianship where the [child\\*](#) or [youth\\*](#) is in the care and custody of FACS Niagara. **Any documentation related to custody or kinship, temporary or otherwise, is to be placed in the OSR.**
- (4) A confirmation of parental or guardian consent to FACS Niagara to access the [child\\*](#).
- (5) An executed [Appendix B](#) (Child Protection Removal Confirmation– Confirmation of In School Contact with Students)

### CONDUCTING THE INTERVIEW OF THE CHILD\*

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 NIAGARA CATHOLIC as it is important that NIAGARA CATHOLIC 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 NIAGARA CATHOLIC, a private area shall be provided for purposes of conducting the [child\\*](#) interview.

The interview should be restricted to the assessment of immediate risk to the [child\\*/youth\\*](#) as a preliminary step in the safety assessment.

## CONSULTATION WITH FIRST NATIONS, INUK OR METIS COMMUNITY

Where a [child\\*/youth\\*](#) identifies with a First Nations, Inuk or Metis community, the FACS Niagara 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.

### **Family Based Child Protection Investigations**

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 his/her [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.

### Community Caregiver\* Investigations

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 NIAGARA CATHOLIC 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 F](#) – (MFIPPA) Law Enforcement Request form); and
- Review of relevant facility policy and procedures.

## CONCLUDING THE CHILD PROTECTION INVESTIGATION

### **Criteria for Concluding a 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*.

## Criteria for Concluding a Community Caregivers\* Institutional Child Protection 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.

## Case Verification

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

### Person(s) who are the Subject of the Child Protection Investigation

Prior to the conclusion of a child protection investigation, persons who are the subject of a child protection investigation are informed of the verification decision and that information regarding the investigation has been recorded in the FACS Niagara's records.

Additional notification includes 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.

### Notifications

Notification of the outcome of the investigation is provided in writing by FACS Niagara to:

- the child\*/youth\* alleged to be in need of protection\* (where appropriate);

- the [child\\*/youth\\*](#)'s care giver(s).
- the [child\\*/youth\\*](#)'s current school administrator.
- and the person alleged to have caused the child protection concern at the conclusion of the investigation.

### **Community Caregiver\* Investigations**

Notification of the outcome of the investigation is provided to the NIAGARA CATHOLIC 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
- Child Protection Case Disposition

### **ONGOING CHILD PROTECTION SERVICES**

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 an ongoing Child Protection Services.

[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 Care Child Protection 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\\*](#) Placement

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

### **ROLE / RESPONSIBILITIES OF FACS NIAGARA PERSONNEL**

FACS Niagara will ensure that the child's educational needs are addressed within the requirements of Ministry regulations and standards.

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 his/her 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.
- To contact School administrator to update legal status, provide written consents, temporary custody arrangements (kinship) and /or as required to support the [child's](#)\* educational needs. (See [Appendix H](#))

## **ROLE / RESPONSIBILITIES OF NIAGARA CATHOLIC PERSONNEL**

- 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.
- FACS shall contact the School Administrator to update about issues regarding legal status, obtaining written consents and /or as required to support the [child's](#)\* educational needs. (See [Appendix H](#))

### **School Registration of Child**

- 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 Education Liaison, no less intrusive option is available, the Child Protection Worker shall complete the *Authorization Form for Delegated School Registration*. (See [Appendix G](#))
- The Authorization Form for Delegated School Registration ([Appendix G](#)) must be provided by e-mail, delivery by Foster Parent or FACS personnel to the NIAGARA CATHOLIC Administrator at time of registration.
- FACS 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 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.

- 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\* parents regarding visitation and planning in accordance with the child's\* specific legal status.

## **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 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 NIAGARA CATHOLIC in writing of the risk so that NIAGARA CATHOLIC can take the appropriate actions.

A safety plan will be developed jointly between NIAGARA CATHOLIC and FACS Niagara and adjusted accordingly as required.

## **PROTOCOL MANAGEMENT**

### **Adherence to the Protocol**

NIAGARA CATHOLIC and FACS Niagara shall ensure that all of their respective staff are oriented and trained on the provisions of this Protocol and the Anti-Sex Trafficking Protocol so as to ensure compliance with each Protocol's terms and application.

## **DISPUTE RESOLUTION PRACTICES**

All child\* protection investigations are to be conducted in a spirit of unreserved collaboration between FACS Niagara and NIAGARA CATHOLIC.

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 NIAGARA CATHOLIC 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 NIAGARA CATHOLIC's Director of Education (or designate) and FACS Niagara's Executive

Director (or designate).

**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.

**Child Sex Trafficking** – a child is subjected to child sex trafficking where another person does any of the following for the purpose of sexually exploiting the child:

- Recruits, transports, transfers, receives, holds conceals or harbors the child.
- Exercises control, direction or influence over the movements of the child

### **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 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 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.

### **Sex Trafficking**

Sex trafficking is a form of sexual exploitation and is a crime under the *Criminal Code of Canada*. It can include recruiting, harboring, transporting, obtaining or providing a person for the purpose of sex. It involves the use of force, physical or psychological coercion or deception. Most individuals who are trafficked for the purpose of sexual exploitation are women and girls, but all people may be targeted.

### **Youth**

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

APPENDIX A – FACS NIAGARA PROTOCOL

School: \_\_\_\_\_

Administrator: \_\_\_\_\_

Name of student:	DOB	Grade/Teacher

Name of FACS worker	Ext number:	Consent form provided?
		Yes                      No

Contact initiated by:      FACS Niagara                      School      (circle one)

Nature of Communication-

\_\_\_ Initial Referral

\_\_\_ Status update

Brief Summary of communication:

Form Completed by: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_

Additional Comments/Actions

Note: this form is to be stapled to the consent form where applicable and placed in the principal’s “FACS Niagara” binder.

**DO NOT PLACE IN STUDENT OSR**



NIAGARA CATHOLIC DISTRICT SCHOOL  
BOARD 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 Niagara Catholic)

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 apprehension. 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:** \_\_\_\_\_  
Niagara Catholic District School Board  
(Administrator or Designate)

**Date:** \_\_\_\_\_

Rev. Mar/21

Personal information on this form is collected, used and disclosed in accordance with the *Education Act*, as amended and the *Municipal Freedom of Information and Protection of Privacy Act*, as amended and will be used for the purpose of compliance with the *Education Act* and administering any program and any similar or related purpose(s). Questions about this collection, use and disclosure should be directed to the (new coordinator- Privacy and Risk Enterprise Advisor, Niagara Catholic District School Board, 427 Rice Road, Welland, Ontario. L3C 2C1 905-704-0240.

**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

- 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 behavior
- Persistent withdrawn, passive behavior
- 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

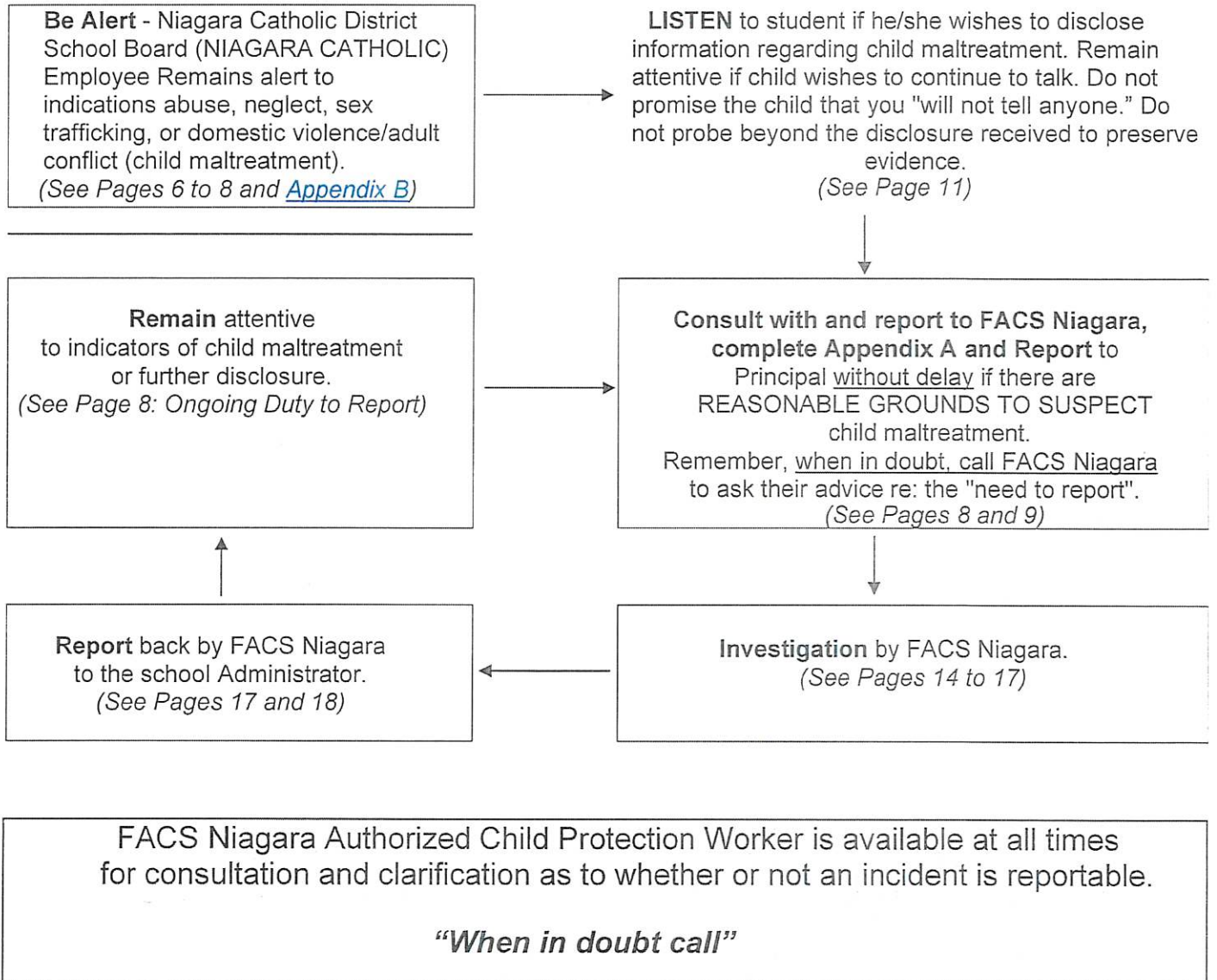
Sex-Trafficking

- Injuries/signs of physical abuse (that they may be reluctant to explain)
- Presence or fear of another person



## REPORTING PROCEDURE FOR CHILD MALTREATMENT

FACS NIAGARA: 905-937-7731 or 1-888-937-7731





## GUIDELINES FOR SPECIAL CIRCUMSTANCES INVESTIGATIONS

### COMPLAINT REGARDING A NIAGARA CATHOLIC DISTRICT SCHOOL BOARD EMPLOYEE

#### A. REPORTING TO FACS

Special Circumstance investigations are investigations where the complaint is against the Niagara Catholic District School Board (NIAGARA CATHOLIC) personnel. Different scenarios may arise regarding complaints made regarding NIAGARA CATHOLIC personnel. When a complaint regarding NIAGARA CATHOLIC personnel is communicated to a NIAGARA CATHOLIC Administrator, the NIAGARA CATHOLIC 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.

Once reported, FACS Niagara will then take responsibility for informing the staff member that they will be initiating an investigation. The NIAGARA CATHOLIC Administrator gathers no further information without consultation with the appropriate School Superintendent and the School Board Lawyer. A subsequent decision to continue information gathering would be made in collaboration with FACS Niagara and/or the Niagara Regional Police Service.

If the complaint involves child sex trafficking, the NIAGARA CATHOLIC Anti-Sex Trafficking Protocol must be followed in conjunction with the Child Protection Protocol.

#### 1. Complaint made by a student/parent regarding a staff member directly to NIAGARA CATHOLIC Administrator

- NIAGARA CATHOLIC Administrator will initiate the preliminary gathering of information at the school level to determine the nature of the complaint
- NIAGARA CATHOLIC Administrator should contact School Superintendent and School Board Lawyer for guidance
- NIAGARA CATHOLIC 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 Board
- When appropriate, NIAGARA CATHOLIC Administrator will encourage the staff member to contact his/her Federation/Union

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

- Staff member should inform NIAGARA CATHOLIC Administrator immediately



- Same process as outlined in Situation 1 will then be used, except staff member (possibly with assistance of NIAGARA CATHOLIC 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 NIAGARA CATHOLIC Administrator immediately
  - Same process as outlined in Situation 1 will then be used, except staff member (possibly with assistance of NIAGARA CATHOLIC 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 NIAGARA CATHOLIC Administrator**
- The NIAGARA CATHOLIC 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
  - 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/staff member/member of the community about the Niagara Catholic District School Board (NIAGARA CATHOLIC) Administrator**
- The School Superintendent 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 will perform the duties of the NIAGARA CATHOLIC Administrator (in Situations #1 to #4), in consultation with the Director of Education and the School Board Lawyer
6. **Complaint made by any person regarding a school volunteer**
- The NIAGARA CATHOLIC 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, they will 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 Board

## **B. NIAGARA CATHOLIC INFORMATION GATHERING**

- For the purposes of determining the need for disciplinary and discharge proceedings, the Board may, in consultation with FACS Niagara and/or the Police, continue an internal investigation based on their preliminary findings. This may be done concurrently with the FACS Niagara and Police investigations. However, in order to preserve evidence, NIAGARA CATHOLIC will permit FACS

Niagara and/or the Police to complete interviews of the student and the NIAGARA CATHOLIC employee prior to the NIAGARA CATHOLIC interviewing for the NIAGARA CATHOLIC investigation. FACS Niagara and/or Police will proceed expeditiously with their interviews and communicate with the NIAGARA CATHOLIC as to the timing

- The outcomes and findings of each party's investigation will not necessarily be dependent upon one another
- NIAGARA CATHOLIC 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 NIAGARA CATHOLIC 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/Niagara Catholic District School Board (NIAGARA CATHOLIC) Protocol re Questioning of Student as Witness and/or Potential Suspect

### **D. REPORTING**

- Due to the need by NIAGARA CATHOLIC 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 NIAGARA CATHOLIC personnel within two weeks
- Throughout the FACS investigation, FACS Niagara will keep the appropriate NIAGARA CATHOLIC Superintendent informed on the progress of the case in a timely fashion
- FACS Niagara will inform the appropriate NIAGARA CATHOLIC Superintendent if they will be taking no further action
- 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 NIAGARA CATHOLIC and Federation/Union representatives
- FACS Niagara will provide a letter to the NIAGARA CATHOLIC 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 NIAGARA CATHOLIC 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 PERSONNEL?**

- NIAGARA CATHOLIC personnel will make third party aware of duty to report to FACS Niagara for all members of the community
- Parent who insists on speaking with school personnel must speak only to the NIAGARA CATHOLIC

Administrator. If approached, all other school staff are asked to refer person to the NIAGARA CATHOLIC Administrator

- If, despite encouragement to contact FACS Niagara, third party describes alleged "child maltreatment," NIAGARA CATHOLIC personnel will follow procedure in this Protocol to determine if they now have "reasonable grounds to suspect" and need to report to FACS Niagara
- NIAGARA CATHOLIC Administrator will consult with 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?**

- Not necessarily
- FACS Niagara personnel may speak to NIAGARA CATHOLIC personnel during course of investigation of a complaint, and/or
- NIAGARA CATHOLIC personnel may be part of plan of service for child/family

REQUEST FOR INFORMATION  
RELATED TO A LAW ENFORCEMENT  
INVESTIGATION



CONFIDENTIAL WHEN COMPLETED

--- 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:


Receive Copy       View Original       Verbal Response       Email       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 Niagara Catholic District School Board (NIAGARA CATHOLIC) staff ---

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

Form Rev. Feb/18



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 E x t \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## FACS NIAGARA & NIAGARA CATHOLIC DISTRICT SCHOOL BOARD (NIAGARA CATHOLIC) GUARDIANSHIP COMMUNICATION

There are various scenarios where FACS is involved in the delivery of care or monitoring of care to children. The School Board requires confirmation of the extent of FACS' 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 may be aware that parents, 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 may know about the creation of these initial arrangements but there is no guardian status by FACS in the monitoring of these private informal arrangements. Therefore, the School Board 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 ARRANGEMENT	DESCRIPTION OF ARRANGEMENT	WHO SIGNS EDUCATION RELATED CONSENTS ON BEHALF OF THE CHILD	WHO RECEIVES FORMAL COMMUNICATION ABOUT THE CHILD	WHO CAN MAKE INFORMAL ENQUIRIES ? ABOUT THE CHILD
<b>Kinship Service Placement</b>	<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 <b>is not</b> in the care of FACS</p>	<ul style="list-style-type: none"> <li>The designated Kinship Service Provider where temporary guardianship assigned</li> </ul>	<ul style="list-style-type: none"> <li>The designated Kinship Service Provider where temporary guardianship assigned</li> </ul>	<ul style="list-style-type: none"> <li>The designated Kinship Service Provider where temporary guardianship assigned</li> </ul>
		<ul style="list-style-type: none"> <li>The parent(s) of the child</li> </ul>	<ul style="list-style-type: none"> <li>The parent(s) of the child</li> <li>FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>The parent(s) of the child</li> <li>FACS Niagara Child Protection Worker</li> </ul>
<b>Kinship Care Placement</b>	<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 <b>is</b> in the care of FACS</p>	<ul style="list-style-type: none"> <li>FACS Niagara Child Protection Worker for all <b>Significant Consents**</b></li> <li>The designated Kinship Care Provider for the <b>Less Significant Consents***</b></li> </ul>	<ul style="list-style-type: none"> <li>FACS Niagara Child Protection Worker</li> <li>The designated Kinship Care Provider</li> </ul>	<ul style="list-style-type: none"> <li>FACS Niagara Child Protection Worker</li> <li>The designated Kinship Care Provider</li> </ul>
<b>Customary Care for FNMI Children</b>	<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>	<ul style="list-style-type: none"> <li>The designated Customary Care provider where temporary guardianship assigned</li> </ul>	<ul style="list-style-type: none"> <li>The designated Customary Care provider where temporary guardianship assigned</li> </ul>	<ul style="list-style-type: none"> <li>The designated Customary Care Provider where temporary guardianship assigned</li> </ul>

	In this situation the child <b>is not</b> in the care of FACS, but the care arrangement is <u>supervised by</u> FACS.	<ul style="list-style-type: none"> <li>• The parent(s) of the child</li> </ul>	<ul style="list-style-type: none"> <li>• The parent(s) of the child</li> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• The parent(s) of the child</li> <li>• FACS Niagara Child Protection Worker</li> </ul>
<b>Temporary Care Agreement</b>	<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 Child Protection Worker could acknowledge the existence of the "Temporary Care</p>	<ul style="list-style-type: none"> <li>• The parent(s) of the child</li> <li>• An individual designated in the Temporary Care Agreement where temporary guardianship is assigned</li> </ul>	<ul style="list-style-type: none"> <li>• The parent(s) of the child</li> <li>• An individual designated in the Temporary Care Agreement where temporary guardianship is assigned</li> </ul>	<ul style="list-style-type: none"> <li>• The parent(s) of the child</li> <li>• An individual designated in the Temporary Care Agreement where temporary guardianship is assigned</li> </ul>

	Agreement" and any authority granted by the parents to FACS to give consent pursuant to this agreement.	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>
<b>Interim Supervision Order</b>	<p>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 monitoring supervision. The extended family or community member may be given information by school personnel and can provide consent when required by the school or School Board.</p> <p>The Authorized FACS Child Protection Worker can verify the Court Order exists and the date of the Order.</p>	<ul style="list-style-type: none"> <li>• Court appointed Family Provider (i.e., granted custody)</li> </ul>	<ul style="list-style-type: none"> <li>• Court appointed Family Provider (i.e., granted custody)</li> <li>• An individual designated by the order with rights of access</li> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• Court appointed Family Provider (i.e., granted custody)</li> <li>• An individual designated by the order with rights of access</li> <li>• FACS Niagara Child Protection Worker</li> </ul>



<b>Temporary Care Order</b>	<p>In this situation, the child is placed into the temporary <u>care and custody</u> of FACS pursuant to a Court Order. The Authorized FACS Child Protection Worker can verify the Court Order exists and the date of the Order.</p> <p>While FACS is the "guardian" in these situations, practically speaking, FACS would ask the parents to co-sign consents in some matters such as children taking overnight or international school trips or referrals to IPRCs.</p> <p><b>FACS must be consulted regarding all consents in this category.</b></p>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> <li>• FACS Niagara co-signs with parent(s) for all <b>Significant Consents**</b></li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> <li>• The parent(s) of the child</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> <li>• The parent(s) of the child</li> </ul>
<b>Society Wardship Order</b>	<p>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) months, and up to a maximum of twelve (12) months.</p> <p>When a child is a Society Ward, <b>FACS exercises the authority of the parent as the legal guardian of the child.</b></p>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker for all <b>Significant Consents**</b></li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker for all <b>Significant Consents**</b></li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> <li>• The parent(s) of the child unless otherwise prohibited by order</li> </ul>
	<p>The Authorized FACS Child Protection Worker could verify the Court Order exists and the date of the Order.</p>			
<b>Extended Care of The Society</b>	<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"> <li>• The court terminates the court order.</li> <li>• The child marries.</li> <li>• The child turns 18 years of age.</li> <li>• The child is adopted.</li> </ul> <p><b>FACS exercises the authority of the parent as the legal guardian of the child.</b></p>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker for all <b>Significant Consents**</b></li> <li>• The parent(s) of the child with the prior approval of the Society or by order of the court</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> <li>• The parent(s) of the child with the prior approval of the Society or by order of the court</li> </ul>
<b>Continued Care and Support for</b>	<p>The provision of supports to youth, including financial assistance to eligible youth leaving the care of a Children's</p>	<ul style="list-style-type: none"> <li>• The individual Youth</li> </ul>	<ul style="list-style-type: none"> <li>• The individual youth</li> </ul>	<ul style="list-style-type: none"> <li>• The individual Youth</li> </ul>

<b>Youth</b>	Aid Society or Customary care beyond their 18th birthday to the age of 21 years to assist in the successful transition to independence.	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>	<ul style="list-style-type: none"> <li>• FACS Niagara Child Protection Worker</li> </ul>
<b>Voluntary Youth Services Agreement</b>	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.	<ul style="list-style-type: none"> <li>• The individual Youth</li> </ul>	<ul style="list-style-type: none"> <li>• The individual Youth</li> </ul>	<ul style="list-style-type: none"> <li>• The individual Youth</li> <li>• FACS Niagara Child Protection Worker</li> </ul>

## APPENDIX I – FACS NIAGARA PROTOCOL

