

PROTOCOL

BETWEEN

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD

AND

FAMILY AND CHILDREN'S SERVICES NIAGARA (THE CHILDREN'S AID SOCIETY) DEVELOPED SEPTEMBER 1, 2004 REVISED FEBRUARY 2009





The partnership of

The Niagara Catholic District School Board and Family and Children's Services Niagara

is central to the personal welfare and growth of the children we serve.

This agreement is intended to foster understanding and enable caring professionals to work together more effectively.

We the undersigned support the principles and protocol set out in this document.

John Crocco, Director of Education Niagara Catholic District School Board

Chris Steven, Executive Director

Family and Children's Services Niagara

February 2009

February 2009



Protocol Committee Members

Appreciation is extended to all members of the Committee for the original development of the Protocol between the Niagara Catholic District School Board and Family and Children's Services.

2004 Initial Committee

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2008 Review Committee

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PROTOCOL BETWEEN

NIAGARA CATHOLIC DISTRICT SCHOOL BOARD (NCDSB) AND

FAMILY AND CHILDREN'S SERVICES NIAGARA (FACS)

I RATIONALE

This Protocol clarifies procedures in response to children who may be in need of protection.

This Protocol enables the Niagara Catholic District School Board and Family and Children's Services Niagara to:

- clarify roles and responsibilities,
- establish procedures to assist in the co-ordination of service delivery to children and their families.
- establish clear lines of communication, which support and ensure effective collaboration,
- affirm our mutual commitment to the safety, protection and well-being of children,
- establish a liaison process, which will:
 - allow for an ongoing review, revision and updating of this Protocol,
 - provide for necessary in-service, training and development of staff from both organizations to implement the Protocol.
 - provide for a means of resolving problems/disagreements regarding the provisions of the Protocol.

II GUIDING PRINCIPLES

The purpose of this joint protocol is to outline the practices and procedures to ensure a timely, coordinated, response pursuant to the provisions of the Child and Family Services Act.

Whereas an effective and human response to children at risk requires a shared philosophy of coordinated strategy, the Niagara Catholic District School Board and Family and Children's Services Niagara agree that:

- 1. Children have a right to be protected from maltreatment.
- 2. All child protection investigations will be handled with sensitivity, consistency, and unreserved collaboration.
- 3. If a child requires assistance with communication either because of a language, cultural barrier or communication disability, a facilitator shall be made available through Family and Children's Services Niagara.
- 4. All investigations involving children shall be facilitated by the provision of appropriate sharing and disclosure of information relevant to the protection of the child and subject to the information disclosure policies of the Niagara Catholic District School Board and Family and Children's Services Niagara and applicable legislation.
- 5. Ongoing cooperative effort between Family and Children's Services Niagara (legal guardian) and Niagara Catholic District School Board in the nurturing and managing of children in care to assist with daily communication and situations at the school.
- 6. Family and Children's Services Niagara maintains a commitment to ensuring that child protection investigations involving staff with Niagara Catholic District School Board employees receive priority and are conducted in accordance with Ministry Standards.

III ROLES AND RESPONSIBILITIES

Niagara Catholic District School Board

The Niagara Catholic District School Board provides quality Catholic education within the Niagara Peninsula in collaboration with parents, agencies and the community at large.

The mission of the Niagara Catholic District School Board as a Catholic community of learners, is to ensure that all learners develop the knowledge, skills and values to reach their full potential, with Christ as the Way, the Truth and the Light.

Family and Children's Services Niagara

Family and Children's Services Niagara is the local Children's Aid Society and is the legally mandated agency responsible for the provision of child protection services to the Niagara Region. Services offered include the investigation of child maltreatment pursuant to the provisions of the Child and Family Services Act and in compliance with the Ontario Differential Response Model for Child Protection.

The mission of Family and Children's Services Niagara is to protect all children and to support, strengthen, and nurture the well being of children and families within the Niagara Region.

Protocols

Niagara Regional Police Services

The Niagara Catholic District School Board and Family and Children's Services Niagara have written Protocols with the Niagara Regional Police Services which serve to assist in providing efficient and effective service to the community through co-operation and collaboration. The provisions of this Protocol are subject to compliance with existing Protocols with Niagara Regional Police Services.

Niagara Threat Assessment Protocol

In cases where there is information that may indicate that there is an imminent danger to the health and safety of any person or persons and the source of the information is reliable the provision of the Niagara Threat Assessment Protocol shall apply. (pending)

IV COMMUNICATION

Niagara Catholic District School Board and Family and Children's Services Niagara personnel recognize that effective <u>ongoing</u> communication is a key to the provision of service to children and families. As a result every effort will be made by Family and Children's Services Niagara and the Niagara Catholic District School Board to communicate appropriately throughout the investigation process.

Consent Forms:

When required to facilitate the sharing of information the appropriate consent forms shall be secured.

Liaison and Review:

- Niagara Catholic District School Board: Superintendent of Education/Student Support Services
- Family and Children's Services Niagara: Director of Child Protection

V DISPUTE RESOLUTION PRACTICES

The Niagara Catholic District School Board and Family and Children's Services Niagara have different roles and responsibilities in meeting the needs of children in the Niagara Region. As a result, circumstances may arise where Niagara Catholic District School Board personnel and the assigned Child Protection Worker do not agree.

In the event that a dispute or disagreement cannot be successfully resolved by the immediate parties, the Principal and the appropriate Family and Children's Services Niagara Supervisor shall be contacted.

In the event that the dispute or disagreement cannot be resolved between the Principal and Family and Children's Services Niagara supervisor, the appropriate Family and Children's Services Niagara Assistant Director of Service and the Family of Schools' Superintendent will be contacted for assistance to resolve the dispute.

VI DUTY TO REPORT

Introduction

The Child and Family Services' Act states clearly that members of the public, including professionals who work with children, have an obligation to report immediately to Family and Children's Services Niagara, if they suspect that a child is or may be in need of protection.

Section 37(2) of the Act defines the term "child in need of protection". This definition applies to any child under the age of 16 or who is subject to a Child and Family Services Act court order. It addresses concerns related to physical, sexual and emotional harm, or risk of harm, as well as concerns regarding neglect and domestic violence.

Generally, Family and Children's Services Niagara will only become involved in matters where a caregiver relationship exists. The definition of a caregiver is 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, at the school, or involved with extra-curricular activities.

The Niagara Catholic District School Board employees considered to be Community Caregivers in Institutional Out-of-Home settings pursuant to Ministry standards and for purposes of this protocol are: Principals, Vice- Principals, Teachers, Educational Assistants, Library Technicians, and Child and Youth Workers.



NOTE: Notification of the person/caregiver who is the subject to the child protection allegation is the exclusive responsibility of FACS and/or Niagara Regional Police Services (NRPS) as required. The Niagara Catholic District School Board shall not notify the person who is the subject of the investigation.

If Unsure - Information warrants a Child Protection Report

Family and Children's Services offers a 24 hour per day service by calling 905-937-7731 or 1-888-937-7731. If unsure of Duty to Report, consultation should occur with FACS.

Duty to Report, CFSA Section 72(1)

Section 37(2) of the Child and Family Services Act sets forth the definition of reasonable grounds to suspect that a child may be in need of protection:

- 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:
 - a) failure to adequately care for, provide for, supervise or protect the child, or
 - b) pattern of neglect in caring for, providing for, supervising or protecting the child.

- 2) 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:
 - a) failure to adequately care for, provide for, supervise or protect the child, or
 - b) pattern of neglect in caring for, providing for, supervising or protecting the child.
- 3) The child has been sexually molested 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 molestation or sexual exploitation and fails to protect the child.
- 4) There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 2.
- 5) The child requires medical 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, or refuses or is unavailable or unable to consent to the treatment.
- 6) The child has suffered emotional harm, demonstrated by serious:
 - a) anxiety;
 - b) depression;
 - c) withdrawal
 - d) self-destructive or aggressive behaviour, or
 - e) delayed development, and

there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

- 7) The child has suffered 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, or refuses or is unavailable or unable to consent to, services or treatment to 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 i, ii, iii, iv, or v of paragraph 6 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 i, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or 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, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
- 11) The child has been abandoned, the child's parent has died or is unavailable to exercise his or her 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 less than twelve years old 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, or refuses or is unavailable or unable to consent to, those services or treatment.
- 13) The child is less than twelve years old 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.

What to report: Definition of abuse/neglect under the Child and Family Services Act

Section 72(1) of the Child and Family Services Act requires that despite the provision of any other Act if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect that a child may be in need of protection, the person shall forthwith report the suspicion and the information on which it is based to a society. In Niagara, Family and Children's Services (FACS) is the local Children's Aid Society.

Direct Report by Person Who Suspects That a Child Is In Need of Protection

The reporting person will refer to Appendices (Quick Reference Guide – Appendices A & B) prior to completing Disclosure Forms.

Section 72(3) of the Child and Family Services Act requires that a person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society, (in Niagara, Family and Children's Services is the Children's Aid Society) and shall not rely on any other person to report on his or her behalf. This report must be made directly to Family and Children's Services (FACS) as soon as possible after receiving the information.

School staff shall inform the Principal as soon as possible with regards to any calls being made in response to a child in need of protection.

The reporting person shall write an account of the incident or disclosure, as this documentation is normally required later as evidence if the courts become involved. The documentation is on the Initial Disclosure Form and Consultation Form. (Appendices C & D)

If the report involves a student with special needs, the appropriate Area Vice-Principal of Student Support Services should be notified by the Principal.

Ongoing Duty to Report

The duty to report is an ongoing obligation. Section 72(2) of the Child and Family Services Act requires a person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child. If a person has made a previous report about a child, and has additional grounds to suspect that a child is, or may be in need of protection, that person must make a further report to Family and Children's Services Niagara. The person to whom the child discloses needs to be responsive and supportive to the child, it is important that no one, including the reporting person, interview the child about the details of a disclosure. This is to ensure that the investigation is not compromised. This is particularly important when the disclosure involves an employee or staff person.

Professional Confidentiality and Protection from Liability

The professional's duty to report overrides the professional-client protection of privacy or confidentiality provisions in other provincial statutes. Professionals must report that a child is or may be in need of protection even when the information is supposed to be confidential or privileged. (The only exception for "privileged" information is in the relationship between a solicitor and a client).

If a civil action is brought against a person who made a report, that person will be protected unless he or she acted maliciously or without reasonable grounds for his or her suspicion. C.F.S.A. s 72(7)

VII REPORTING PROCEDURES

Initial Report

The initial report is to be made <u>regardless of the time of day</u> to Family and Children's Services Niagara. The telephone number is **905-937-7731 or 1-888-937-7731.** During after hours, on weekends, and on statutory holidays, the calls go through an answering service. The Family and Children's Services Niagara Child Protection Worker will call back immediately and determine if the situation requires an emergency response. If it is determined that the situation can be responded to the next working day, the information will be passed on to the Intake Department. The Family and Children's Services Niagara Worker will contact the Principal.

Identifying Information

The following information regarding the referral/report must be provided to Family and Children's Services Niagara where it is available and known to the referent. (see Appendix C):

- Name and position of the referral source,
- Name and date of birth of the child who is the subject of the report,
- Caregiver or guardian of the child who is the subject of the report,
- Name of the person who is alleged to have harmed the child or poses the risk of harm to the child.
- Date/time and brief summary of the incident,
- A description of any injuries to the child/youth,
- The names of any known witnesses,
- The emotional state of the child/youth,
- Involvement of the parents or placing agency,
- Immediate steps taken to ensure child(ren)'s safety,
- Nature of any discussion with child(ren) who is the subject of the report; and
- Need or plan for medical attention where indicated.

VIII CHILD PROTECTION RECEIPT OF REPORT

All information received by Family and Children's Services Niagara regarding concerns that a child may be in need of protection are considered child protection referrals.

Upon receipt of a report that a child may be in need of protection, Family and Children's Services Niagara shall:

- obtain a full and detailed report of the incident or condition which caused the reporting person to believe that the child may be in need of protection;
- obtain information about the child and the child's family;
- provide information about the reporter's ongoing duty to report:
- provide information about how Family and Children's Services Niagara may respond to the report:
- screen all reports for the presence of domestic violence;
- rate the report on eligibility for service.

Additional information may be required when receiving referrals involving community caregivers:

- relationship of the person reporting to the child who is the subject of the referral,
- information about the community caregiver's own children (if applicable),
- whether the Principal has been notified of the incident/condition and any action that has been taken, and
- identifying information of the child who is the subject of the referral and any other children being cared for in the setting;

IX DISPOSITION OF THE REFERRAL

Every report that a child may be in need of protection is immediately assessed to determine the most appropriate response.

Family and Children's Services Niagara shall determine the disposition of the report as one of the following:

- open for child protection service
- community link service for the family
- non-protection report for concerns about community caregivers of children in Family and Children's Services Niagara care placed in out-of-home settings
- no direct client contact.

Where the determination of the disposition is a child protection service, Family and Children's Services 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 cases. Ministry Standards provide for access to the child by Family and Children's Services Niagara in the absence of parental consents or notification to the parents.
- The "Customized" more collaborative family strength based approach for lower risk cases is
 used to facilitate the client's engagement in safety planning for the child. The first contact by
 Family and Children's Services Niagara is with the parent/caregiver. In many instances the
 first contact will be with both the parent/guardian and the child together.

Response Times

The response time is determined by the level of urgency or the assessed level of present or imminent risk to the safety of the child.

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.

Physical Restraints

In institutional settings, a report of a minor injury resulting from a physical restraint does not by itself 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
- there is a pattern of similar incidents in the same facility.



NOTE: Where restraint has been applied to a child in the care of the Family and Children's Services Niagara, the foster parent shall be notified and a copy of the form outlining the events of the restraint shall be forwarded directly to Family and Children's Services Niagara. Fax (905) 646-5166.

X INITIATING THE INVESTIGATION/ASSESSMENT

The Process and Timeframes for an Investigation

The investigation of child protection concerns can be stressful for children and families, staff and agencies. In recognition of this, the Child Protection Worker will ensure that ongoing communication with respect to the investigation will occur with the Principal or designate. The Principal and the Child Protection Worker will discuss how the investigation will proceed, who should be apprised of the report, and the roles and responsibilities in advising those who will be a part of the investigation.

Traditional Investigation

Where the disposition of the referral has determined that traditional investigation is indicated, the Child Protection Worker 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 Principal or designate of this notification plan;

When there is an indication that a criminal offence has occurred, the joint Family and Children's Services Niagara and the Niagara Regional Police Services Protocol shall apply.

Customized Assessment

Where the disposition of the referral has determined that customised assessment is indicated, the Child Protection Worker shall:

 notify the school that Family and Children's Services Niagara will be contacting the parents directly to inform them of the report and obtain their consent to meet with the child.

Community Caregiver Institutional Out-of-Home Investigation

Where the disposition of the referral has determined that a community caregiver institution out-of-home care investigation is indicated, the Child Protection Worker shall:

- notify the Principal or designate of the report;
- discuss and determine in consultation with Principal or designate the preliminary plan of investigation;
- discuss with the Principal or designate disclosure for any records that may be relevant the report;
- discuss with the Principal or designate the applicability of the joint Family and Children's Services and the Niagara Regional Police Services Protocol;
- produce photo identification to the Principal upon entry into a school; and
- sign in at the office and receive and wear a visitor's tag.

Role of the Niagara Catholic District School Board

- The Principal will act as the formal liaison during the course of the investigation.
- The Principal will ensure that the child will be accessible to the Child Protection Worker
 when he/she visits the school to investigate the allegation. <u>Note</u>: All Child Protection
 Workers carry photo identification and shall produce this identification to the Principal or
 designate upon request. The Child Protection Worker shall follow the visitor guidelines set
 out by the school.
- A private area shall be provided for meetings and interviews.
- If appropriate, the Child Protection Worker shall be allowed to interview the child in private, or a decision to conduct the interview in the presence of a staff member of the school acting in "loco parentis" shall be made in collaboration with the Child Protection worker and the Principal or designate. This decision should be determined in collaboration with the Child Protection Worker.

Detaining Children beyond the School Day

- The Child Protection Worker shall make every effort to avoid asking the Principal to detain the student beyond the school day. Normally, students are not to be detained beyond dismissal time while awaiting Family and Children's Services Niagara personnel. However, circumstances may arise in which the discharge of a child to a caregiver may further expose the child to an increased risk. In these circumstances, Family and Children's Services Niagara will advise the Principal of this concern so that a reasonable course of action may be jointly determined.
- If a child disclosed abuse/neglect late in the school day, or if school personnel report an incident of "abuse/neglect" late in the day, after consultation with the Child Protection Worker and depending on the seriousness of the allegation, the student may be detained beyond the normal dismissal time. In these circumstances, the school shall consult with the Child Protection Worker to determine a plan of notification to the parent. The Child Protection Worker is responsible for this notification of the referral at the earliest possible juncture.

XI CONDUCTING THE INVESTIGATION/ASSESSMENT

Where Full Investigation/Assessment will Follow

Usually within 30 days and not exceeding a maximum of 60 days, the Child Protection Worker shall complete the child protection investigation/assessment and make the following decisions:

- 1. A decision about whether the alleged incident suggesting that the child has been harmed, occurred as reported.
- 2. Whether or not the child protection concerns are verified.

When the investigation/assessment goes beyond 30 days, the Child Protection Worker shall inform the Principal or designate of this decision and the reason for the delay of this decision.

At any time Family and Children's Services Niagara may decide to remove the child from the care and custody of the parent/caregiver home as a voluntary act (Note: A child 12 years of age or over must also agree with the decision by Family and Children's Services Niagara) or as an apprehension (without the consent of either parent or child).

Apprehension by Family and Children's Services Niagara

- As a consequence of the investigative interview with the child, it may be necessary for the Child Protection Worker to remove the child from the parent/caregiver by way of apprehension. In that instance, the Child Protection Worker will advise the Principal or designate.
- In those situations where the Child Protection Worker has determined the need to apprehend a child from a school, when this decision is not a result of an in-school interview, the Child Protection Worker will contact the Principal prior to attendance at the school.
- Where a warrant for the apprehension of the child has been issued, a copy of the warrant shall be provided to the Principal or designate.
- Where the risk to the child is imminent and there is no less intrusive course of action
 available to protect the child, the child may be apprehended and removed from the school by
 the Child Protection worker without a warrant.

Medical Examination of Child

If arrangements for immediate medical attention or medical examination for investigative purposes are required, it is the responsibility of the Child Protection Worker to facilitate these arrangements.

Kinship Placement

Pursuant to Ministry Standards where a Child Protection Worker has determined that a child is in need of protection and cannot remain in the care of a parent or caregiver, the Child Protection Worker must consider any and all possible alternative placements with a member of the child's extended family or community. Such placements are identified as "Kinship Placements" by Ministry Regulations. There are three types of kinship placements:

- 1. Kinship Care Placements (in the care of FACS)
- 2. Kinship Service Placements (not in the care of FACS)
- 3. Customary Care Placements (First Nations Care)

This is a circumstance in which the following criteria apply:

- Family and Children's Services Niagara has deemed the removal of the child as necessary.
- The parent/caregiver has identified a member of the child's own extended family or community who is willing and able to provide care for the child.
- The parent/caregiver and Family and Children's Services Niagara are in agreement with the placement.

The Child Protection Worker may also elect, pursuant to the legislation, to effect a placement for the child as a designated place of safety.

Where the Child Protection Worker has effected an alternate placement, the Child Protection Worker shall advise the Principal of the contact information related to that placement.

Role/Responsibilities of Family and Children's Services Niagara Personnel/Investigating Child Protection Worker

- 1. The Child Protection Worker will inform the parent(s) of the decision to take the child(ren) into care of Family and Children's Services Niagara as soon as possible after the child has been "removed to a place of safety."
- 2. The Child Protection Worker will inform the current school, as soon as possible, if the student will be attending that school the following day(s).
- The Child Protection Worker will inform the Principal if the student will be attending a different school.

Role/Responsibility for New School Registration of the Family and Children's Services Niagara Personnel

- 1. Children in the care of Family and Children's Services Niagara will be registered in the new school by Child Protection Worker. The Family and Children's Services Niagara worker shall complete the Student Enrolment Form (Appendix E).
- 2. The Child Protection Worker shall fax the Student Enrolment Form to the Principal of the new school.
- 3. The Child Protection Work shall telephone the Principal of the new school to review the child's history as noted on the Student Enrolment Form.
 - a) Where there is an agreement between the Principal and the Child Protection Worker to proceed with the child's enrolment, the Principal and the Child Protection Worker shall determine the need for the Child Protection Worker to accompany the child to the school to proceed with registration.
 - b) When it is determined between the Principal and Child Protection Worker that the Foster Parent will register the child, the Foster Parent shall notify the Principal for an appointment to enroll the child prior to visiting the school.
- Transition meetings may be considered for student in foster care prior to full time school entry. This process will be made in dialogue with the Principal and the Child Protection Worker.

Role/Responsibilities of Niagara Catholic District School Board Personnel

- 1. Offer appropriate support for the student.
- 2. Remain with the student during the process of "apprehension".
- 3. Encourage the student to keep circumstances confidential.
- 4. Communicate information to staff on a "need to know" basis.
- Direct inquiries from the parents to Family and Children's Services Niagara 905-937-7731 or 1-888-937-7731.
- 6. Respond to request for records and/or information from another school where the student has been placed.

Investigation: Allegation Against A Niagara Catholic District School Board Employee

If a disclosure of abuse is made against an employee of the Niagara Catholic District School Board, the employee hearing the disclosure, should ascertain enough information to satisfy the duty to report criteria and immediately contact Family and Children's Services Niagara. All reports shall be made in consultation with the Principal. Notwithstanding, the consultation between the Principal and the referent, all reports shall be made forthwith.

Where the allegation relates to a Niagara Catholic District School Board Principal, the employee hearing the disclosure shall notify the Family of Schools' Superintendent. Where Family and Children's Services Niagara is the recipient of the complaint against a Principal, Family and Children's Services Niagara employees shall notify the Family of Schools' Superintendent.

Joint Family and Children's Services and Niagara Regional Police Investigations

A joint investigation shall be conducted when the reported concern suggests that a criminal offence may have occurred in a community caregiver, institutional out-of-home setting.

Any Niagara Catholic District School Board employee alleged to have harmed or placed a child at risk of being harmed should not have any unsupervised access to the child until the investigation is complete. In consultation with the Principal and Family and Children's Services Niagara, a review of the employee's status will be initiated pending completion of the investigation with respect to access to children. The information sharing between Family and Children's Services Niagara, the police, and the Niagara Catholic District School Board will depend on the nature of the complaint and the relevance of the protection of the child.

An employee or staff person will be allowed to have a designated support person present during any investigative interviews, except when police procedures prohibit such involvement. In any case, an employee or staff member is allowed to have a lawyer and/or union representation present for advice, if they wish, at any stage of the investigation.

The investigating Child Protection Worker and police officer, in the event of a joint investigation, may need to interview other Niagara Catholic District School Board staff to determine if they can provide any information, which may assist in completing the investigation. (See Appendix F)

Responsibilities of the Principal- Notification

The Principal will notify the Niagara Catholic District School Board employee, who is the subject of the allegation, subsequent to and in consultation with Family and Children's Services Niagara and/or the Niagara Regional Police Services, that a complaint has been made and the nature of the complaint. The details of the allegation shall not be disclosed.



NOTE: The timing of this notification shall be determined in consultation with FACS.

XII CONCLUSION OF THE INVESTIGATION

Where a Safety Assessment has determined that no child protection investigation is required, no further action shall be taken by FACS Niagara.

- A child protection investigation is completed within one month of receipt of the referral.
- Approval by the Child Protection Supervisor is required to extend the completion of the investigation up to 60 days.

At the completion of the investigation, all information is gathered to determine whether:

- the alleged incident occurred as reported.
- the child is in need of protection.
- there is identified risk to any other children.

Cases which determine a child to be in need of ongoing child protection services are transferred to an ongoing Child Protection Services.

Children "in need of protection" are sometimes admitted into the care of Family and Children's Services Niagara and placed with a Foster Family or alternate caregiver.

Upon completion of the investigation, the Child Protection Worker shall contact the referent and/or the Principal and advise them that the investigation is complete.

Outcome Report Where the Report Implicates A Niagara Catholic District School Board Employee

Upon completion of the investigation, the Child Protection Worker shall:

- contact the referent and the Principal and advise them that the investigation and the person alleged to have caused the need for protection has been completed;
- provide a written notification to the Director of Education within 14 days following completion of the investigation and contains non-identifying information including:
- · details of the allegation,
- the verification decision and rationale.
- concerns about the future safety of the children, and
- advise all parties at the conclusion of the investigation.

Roles/Responsibility of Family and Children's Services Niagara Personnel

An authorized Child Protection Worker is assigned to each child in the care of the Family and Children's Services Niagara.

Note: Children in the care of Family and Children's Services Niagara may be anywhere in the Niagara Region.

- a) When a child's admission to the care of the Family and Children's Services Niagara results in a school transfer, the Child Protection Worker shall complete the "Student Enrolment Form for Foster Care Placement Family and Children's Services Niagara." (Appendix 'E').
- b) The child will be placed in an appropriate residential placement, including a Foster Home. (Placement may be anywhere in Niagara Region).
 - i. The "Student Enrolment Form for Foster Care Placement Family and Children's Services Niagara" must be provided by Fax, e-mail, or delivery by the Foster Parent or Family and Children's Services Niagara personnel at the time of registration.
- c) Family and Children's Services Niagara procedures require that in cases involving students with specialized educational needs, the Authorized Child Protection Worker MUST take the child to the school and discuss the case with the appropriate school official.

- d) The Child Protection Worker shall communicate with the "current" and "new" school to ensure a smooth transition. This includes a discussion with Niagara Catholic District School Board school personnel and a review of the legal status of child in care.
- e) The Child Protection Worker shall advise the school of the role and rights of the child's parents regarding visitation and planning.

XIII Ongoing Case Management Where the Child has been taken into the care of FACS

- The Principal of the school in which the child is placed should contact the previous school for information that would assist in providing support to the student during a period of transition.
- Foster Parents are encouraged to be fully involved in decisions regarding the child's education.
- The child's parents retain the right to direct the child's education while in the care of Family and Children's Services Niagara when the child is in care by:
- a) Temporary Care Agreement
- b) Interim Care and Custody
- c) Ward of Family and Children's Services Niagara

Consents

<u>Family and Children's Services Niagara personnel must provide written consent prior to each of the following:</u>

- a) Psycho-educational Assessment
 - i. Feedback from the assessment would normally be shared with Foster Parents and Family and Children's Services Niagara.
- b) Speech/Language Assessment
 - i. Feedback from the assessment would normally be shared with Foster Parents and Family and Children's Services Niagara.
- c) Involvement with the Child and Youth Worker
 - i. Exchange of information
 - ii. Access to the Child's Ontario Student Record.

School/Family and Children's Services Niagara Collaboration re: Child in the Care of Family and Children's Services Niagara (Foster Care)

Children in need of protection admitted to the care of Family and Children's Services may be placed with a foster family. In some instances, the child may be placed subject to the Supervision of the Court with extended family members.

- 1. School personnel shall communicate directly with the Family and Children's Services Niagara Child Protection Worker with all decision making when a child is in care and with Foster Parents or the designated guardian for daily progress and information.
- 2. School personnel shall contact the Child Protection Worker to inquire about issues regarding legal status and obtaining written consents.
- 3. The Child Protection Worker shall inform the Principal with information that would be necessary for the Principal to ensure safety of the child in protection.
- 4. The Child Protection Worker shall assist the school in clarification of information in respect to the family of the child(ren) under the care of Family and Children's Services Niagara: Initial Disclosure Form (Appendix C).
- 5. The Child Protection Worker (legal guardian) shall attend all school meetings regarding the child in care and sign any educational documentation (e.g. IEP, IPRC, Consent to Disclose Forms, and Report Cards).

APPENDIX A

REPORTING ABUSE: QUICK REFERENCE GUIDE

If you hear or see evidence of abuse:

- 1. Consult Family and Children's Services 905-937-7731 or 1-888-937-7731 to determine Duty to Report.
- 2. Report to Family and Children's Services, if applicable.
- 3. Inform the Principal.
- 4. Support the student without probing into the details of the disclosure.
- 5. Fill in the appropriate report forms.

Report to:

- 1. Family and Children's Services, if child is under the age of 16 or is over the age of 16 and in the care of a Family and Children's Services Niagara.
- 2. Niagara Regional Police Services, if child is over the age of 16.
- 3. Niagara Regional Police Services and Family and Children's Services, if child is over 16 and the alleged abuser still has charge of child(ren) or in a position of trust (e.g., any adult in school, parent, coach, community volunteer, etc.)

Over 16

If the student is over 16, encourage him/her to report to police and seek support of other adults with whom the student has a caring and supportive relationship. (e.g. chaplain, guidance counselor, priest, friend).

Where the Student is over 16 and Report is Historical:

Family and Children's Services will respond to referrals from students over 16 years of age where the report implicates other children who are currently under 16 years of age.

DISCLOSURE "DO'S AND DON'TS"

If a child discloses to you do not ask for details (caregiver at the school):

- 1. Remain calm.
- 2. Reassure and support the child.
- 3. Speak softly and calmly.
- 4. Be a supportive listener.
- 5. Express your concern and suggest that you call someone who can help.
- 6. Tell the child you will be with him/her if this is wanted.
- 7. Do not promise confidentiality.

If a child discloses in the classroom:

- 1. Acknowledge the statement (e.g. "that sounds important, we will talk about it later").
- 2. Arrange to talk to the child at the first opportunity, obtain information only to the extent necessary to determine whether or not a duty to report is indicated.
- 3. Inform Family and Children's Services Niagara immediately.
- 4. Inform the Principal as soon as possible.
- Stay with the child particularly if he/she is upset. Offer to stay during the initial assessment.
- 6. Make sure Family and Children's Services Niagara knows the timelines. (e.g. when the parents or child are expected home).
- 7. Have Family and Children's Services Niagara contact the parents.
- 8. Check with the police or Family and Children's Services Niagara before allowing the child to go home.
- 9. Do not talk to the person alleged to have harmed the child or who poses the risk of harm to the child; the Niagara Regional Police Services or Family and Children's Services Niagara should do this.
- 10. Family and Children's Services Niagara personnel will call the school to indicate they will be coming to the school and will provide photo identification upon arrival at the school and follow visitor sign in policy.

After the disclosure: (within a few days of disclosure)

- 1. Talk to someone you trust about your feelings.
- 2. Respect the child's privacy by not disclosing his/her name.
- 3. Contact Family and Children's Services Niagara for further information about the status or to ask for advice on dealing with the child.
- 4. Keep communication open with the child and offer ongoing support.

GUIDE FOR COMPLETING DISCLOSURE FORM

This form is for recording information, not for investigation. Do not place in the student's OSR. Do not interview the child about the details of a disclosure.

- Gather information by listening; simply allow student to tell his/her story
- Ask questions to clarify; do not ask probing or leading questions
- Provide information that is clear and concise
- Be objective and non-judgmental
- Avoid interpretations of what you think is happening
- Don't let your note-taking interfere with the disclosure

Complete the following section:

- Name of child who is the subject of disclosure;
- Date of birth;
- Name of person completing form;
- Position (Principal, teacher, custodian, secretary, parent volunteer).

1. What was said to you?

- Be specific
- Record the child's words verbatim as much as possible

2. What questions did you ask or comments did you make?

- Use comments for clarification only; keep comments brief
- Do not ask leading questions
- Keep questions open-ended(e.g. How are you feeling today? You look sad; is there anything wrong? You're hurt/bruised/cut; Do you want to talk about it?).

3. Describe any observable behaviours of concern.

- Report nervousness, excitability, fear, crying etc.
- Lack of eye contact

4. Describe any injuries.

- Bruises: size, colour, location
- Cuts, abrasions
- Destruction of clothing or property

5. Other comments or information.

- Add other pertinent information
- Do not interpret physical, emotional or medical conditions
- Do not make judgments



Niagara Catholic District School Board

APPENDIX C: INITIAL DISCLOSURE FORM **FAMILY & CHILDREN'S SERVICES NIAGARA**

This information is being collected pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act under the Education Act for the purpose of providing student support services. Questions about this collection should be directed to the Superintendent of Education – Student Support Services, Niagara Catholic District School Board, 427 Rice Road, Welland, Ontario L3C 7C1 905-735-0240.

NOTE: This form is for recording information, not for investigation.

TO BE COMPLETED BY SCHOOL PERSONNEL

(This form is for record	ding information, not for investigation	i. Do NOT place	in student's OSR.)				
Student Name		□ M □ F	Date of Birth	(Y) (M)	(D)	OEN#	
Name of Person	Completing Form			Position			
What was said to	you?						
	,						
What questions	did you ask or comments did y	ou make?					
What questions	and you ask or comments and y	ou make:					
Describe any obs	servable behaviours of concer	n.					
Describe any inju	uries.						
Other comments	and/or information.						
other comments	and of information.						
L							

November 11 2008 – REVISED H: MyDocuments/FORMS-SSS/SSSF001



Niagara Catholic District School Board APPENDIX D: CONSULTATION FORM

Family & Children's Services Niagara

This information is being collected pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act under the Education Act for the purpose of providing student support services. Questions about this collection should be directed to the Superintendent of Education – Student Support Services, Niagara Catholic District School Board, 427 Rice Road, Welland, Ontario L3C 7C1 905-735-0240.

TO BE COMPLETED BY SCHOOL PERSONNEL AFTER CONSULTATION WITH FAMILY & CHILDREN'S SERVICES

Student Name		□ M □ F	Date of Birth	(Y)	(M)	(D)	OEN#	
Principal/Staff Member Cont	acting FACS			Position				
ate and Time of Contact								
NOTES AFTER CONSULT	ATION WITH FAC	s						
CC Washarda Nama								
ACS Worker's Name								
FOLLOW UP								
FACS will not b	ecome involved and	d the school wil	I continue to doc	ument.				
FACS will remo	ve the child from sc	nooi, complete	"Form D" and le	ave it with	ne prin	icipal.		
FACS will comp	lete the investigation	on.						
NOTE: If upon	review, the decisio	on of FACS is	different from a	bove, FAC	S will a	advise t	he Principal.	
•							•	
Signature of Cohoo	I Personnel Consulting	a with EACS						

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Niagara Catholic District School Board

APPENDIX E: STUDENT ENROLMENT FORM FOR FOSTER CARE PLACEMENT FAMILY & CHILDREN'S SERVICES NIAGARA

This information is being collected pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act and under the Authority of the Education Act, and will be used by Student Support Services. Questions about this collection should be directed to the Superintendent of Education – Student Support Services, Niagara Catholic District School Board, 427 Rice Road, Welland, Ontario L3C 7C1(905) 735-0240.

(A separate forr	n must be completed for each child)
Name of Child:	Date of Birth:
Dear Principal,	Year month day
This letter confirms that Family & Children's Servi protection and has taken the child into care and plato the child's care which relates to:	ces Niagara (FACS) consider the above named child to be in need of ced the child into a Foster Care home. There are specific issues related
Special precautions should be undertaken with resp	ect to:
Medications:	
The child has been placed in the foster home of:	
	Name of Foster Parent(s)
who reside(s) at:	
	Address/City
and can be reached at the following telephone num	ber(s):
The child formerly attended:	
Name of School	Address/City
The child has siblings attending the following school	l(s):
Name of School	Address/City

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:
Academic:
Emotional:
Emotoria.
Physical:
Are there any concerns about, or restrictions on the child that could affect his/her own safety or the safety of other students
or staff? Yes No
If YES, explain:
Name of FACS Child Protection Worker (please print):
Telephone Number:(905) 937-7731
Signature of FACS Child Protection Worker Date of Signature

NOTES

If the child in FACS care previously attended a Catholic School, then FACS would be expected to register the student at the Catholic School nearest to the Foster Care family residence.

Consistent with the FACS protocol this letter must be completed, signed and submitted in person, or by FAX, or by e-mail to the School Principal <u>prior</u> to the registration of a child in Foster Care.

In some cases, students may require support of the Student Support Services Department, which may necessitate additional consultation prior to the student being registered.

This completed and signed Authorization Form shall be filed in the Documentation File of the student's Ontario School Record (OSR).

This letter confirms that the Foster Parent(s) have the authorization from Family & Children's Services Niagara, the child's temporary legal guardian, to attend at the school for the purposes of registering the child. Likewise, FACS authorizes the school to communicate with the Foster Parent(s) regarding academic progress, participation in out-of-school programs or extra-curricular activities and to receive information on medical problems or injuries.

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GUIDELINES FOR AN ALLEGATION AGAINST A NIAGARA CATHOLIC DISTRICT SCHOOL BOARD EMPLOYEE

A. REPORTING TO FAMILY AND CHILDREN'S SERVICES

- There are several different scenarios that may arise regarding allegations made regarding Niagara Catholic
 District School Board personnel. When allegations of abuse by Niagara Catholic District School Board
 personnel are communicated to a Principal, he/she will gather information to determine if a report should be
 made to Family and Children's Services.
- The following guidelines should assist Niagara Catholic District School Board Administrators in responding to allegations of abuse by Niagara Catholic District School Board employee made under varying circumstances outlined below. As administrators deal with any such situation, it is essential that at each stage throughout the gathering of information, they must ask him/herself the following question: "Do I have reasonable grounds to suspect that the child is in need of protection?" If the answer is "yes", then the Principal has a "duty to report" to Family and Children's Services without delay.

SITUATION 1:

If allegation of abuse is made by student/parent regarding a staff member directly to Principal

- Principal shall report to Family and Children's Services.
- Principal will contact the Family of Schools' Superintendent of Education and Niagara Catholic District School Board Lawyer for guidance.
- Principal will not bring the "suspected" staff member in to confront the student.
- Principal will advise the staff member of the nature of allegations in consultation with Family and Children's Services and the Niagara Regional Police Services, where applicable, and encourage the staff member to contact their Union for assistance before responding to the matter.
- During the gathering of information, or based upon the preliminary findings, the staff member may have their duties adjusted or suspended by the Board.

SITUATION 2:

If allegation of abuse is made by student/parent to staff member regarding another staff member

- The same process as outlined in Situation 1 will be used. The staff member has a personal "duty to report" the matter to Family and Children's Services, who may conduct an investigation and who may involve the Police, as circumstances dictate.
- The staff member will inform Principal as soon as possible.

SITUATION 3:

If allegations of abuse are being made by a staff member regarding another staff member

- The same process as outlined in Situation 1 will be used, except the staff member (possibly with the assistance of Principal) has a personal "duty to report" matter to Family and Children's Services, who may conduct an investigation and who may involve the Police, as circumstances dictate.
- The staff member will inform the Principal as soon as possible.

SITUATION 4:

If the Principal is informed by Family and Children's Services Niagara or the Niagara Regional Police Services that allegations regarding a staff member have been made directly to Family and Children's Services

- The Principal and other Niagara Catholic District School Board officials will co-operate with the agencies and/or the Police investigation.
- During the gathering of information, or based upon the preliminary findings, the staff member may have their duties adjusted or suspended by Niagara Catholic District School Board.

SITUATION 5:

If allegation of abuse is made by any person regarding a school volunteer.

- The Principal and other Niagara Catholic District School Board officials will co-operate with the agencies and/or the Niagara Regional Police Services investigation.
- 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 Niagara Catholic District School Board.

SITUATION 6:

If allegation of abuse is made <u>regarding the Principal by a student, parent, staff member or member of</u> the community

- The Family of Schools' Superintendent of Education shall be informed and a referral to Family and Children's Services Niagara shall be made immediately.
- Same process as outlined in Situation 1 will then be used, except that the Superintendent of Education will perform the duties of the Principal (in Situations #1 to 4), in consultation with the Director of Education and the Niagara Catholic District School Board Lawyer.

B. NCDSB INFORMATION GATHERING

- For the purposes of determining the need for disciplinary and discharge proceedings, the Niagara Catholic District School Board may, in consultation with Family and Children's Services Niagara and/or the Niagara Regional Police Services, continue an internal investigation based on their preliminary findings relevant to the staff person's employment status. This may be done concurrently with the Family and Children's Services and Niagara Regional Police Services investigations. The outcomes and findings of each party's investigation will not necessarily be dependent upon one another. They are separate parallel inquiries.
- Niagara Catholic District School employees will co-operate and communicate with Family and Children's Services Niagara and the Niagara Regional Police Services personnel in order to facilitate a timely resolution to cases in which allegations have been made regarding Niagara Catholic District School Board personnel.

C. <u>FAMILY AND CHILDREN SERVICES NIAGARA/NIAGARA REGIONAL POLICE SERVICES</u> INVESTIGATION

- The parties recognize that Family and Children's Services 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 thereof.
- Refer to the Protocol between the Niagara Catholic District School Board and the Niagara Regional Police Services regarding "Questioning of Student as Witness and/or Potential Suspect."

WHAT IF A THIRD PARTY WISHES TO DISCUSS AN ABUSE/NEGLECT SITUATION WITH SCHOOL/SCHOOL BOARD PERSONNEL?

- The Niagara Catholic District School Board employee will make the third party aware of duty to report to Family and Children's Services Niagara for all members of the community.
- A parent who insists on speaking with school personnel must speak <u>only</u> to the Principal. If approached, all other school staff are asked to refer the person to the Principal.
- If, despite encouragement to contact Family and Children's Services Niagara, the third party
 describes alleged "abuse/neglect', school Niagara Catholic District School Board employee will
 follow the procedure in the Family and Children's Services Protocol to determine if they now have
 "reasonable grounds to suspect" and need to report to Family and Children's Services Niagara.
- The principal will consult with Family and Children's Services Niagara if in receipt of a report by a third party.

<u>WILL SCHOOL PERSONNEL BE TOLD IF A SITUATION REGARDING A STUDENT IS REPORTED TO FAMILY AND CHILDREN'S SERVICES NIAGARA BY SOMEONE IN THE COMMUNITY AT LARGE?</u>

- Family and Children's Services Niagara Personnel <u>may</u> speak to Niagara Catholic District School Board employee during the course of an investigation of allegation; <u>and/or</u>
- Niagara Catholic District School Board Employee (at the school) may be part of plan of service for child/family.

EDUCATION ACT

Education Act, R.S.O. 1990, c. E.2, as amended.

Compulsory Attendance Requirement

All NCDSB employees considered to be Community Caregivers in Institutional Out-of-Home settings pursuant to Ministry standards and for purposes of this protocol are: Principals, Vice-Principals, Teachers, Educational Assistants, Library Technicians, and Child and Youth Workers.

Section 21 (1) "Unless excused under this section, (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the child attains the age of eighteen years; and (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which the child attains the age of eighteen years."

Section 21 (2) "A child is excused from attendance at school if,

- (a) the child is receiving satisfactory instruction at home or elsewhere;
- (b) the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) transportation is not provided by a Board for the child and there is no other school that the child has a right to attend;
- (d) the child has obtained a secondary school graduation diploma or has completed a course that gives equivalent standing;
- (e) the child is absent from school for the purpose of receiving instruction in music and the period of instruction does not exceed one-half day in any week;
- (f) the child is suspended, expelled or excluded from attendance at school under any Act or under the regulations;
- (g) the child is absent on a day regarded as a holy day by the church or religious denomination to which the child belongs;
- (h) the child is absent or excused as authorized under [the *Education Act*] and the regulations."[e.g., where the school is closed pursuant to certain health regulations.]

Note: This section of the *Education Act* has implications for dealing with abuse or potential abuse. The "unavoidable cause" in section (b) could be an abuse cause. The temporary removal of a pupil by FACS for the purpose of investigating an abuse disclosure is also a legal absence. The school needs a form signed by the agent of FACS, which documents the absence of the pupil.

Duties and Liabilities of Parents/Guardians

Section. 21 (5) "The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section."

Section 30 (1) "A parent or guardian of a child of compulsory school age who neglects or refuses to cause a child to attend school is, unless the child is legally excused from attendance, guilty of an offence and on conviction is liable to a fine of not more than \$200."

Note: Since the parent is legally bound to "cause the child to attend school", the parent is passing the responsibility of care to the adults in the school under the supervision of the Principal. This is the duty of care required by the parent of a child in the normal parenting of a child. Failure to provide the care constitutes neglect of the child's rights that may put the child in a position of needing protection under the *Child and Family Services Act*.

Duties of Pupils

R.R. O. 1990, Reg. 298, as amended. –'Operation of Schools – General' Section 23(1) "A pupil shall,

- (b) exercise self-discipline;
- (e) be courteous to fellow pupils and obedient and courteous to teachers.

(4) every pupil is responsible for his or her behaviour to the Principal of the school that the pupil attends ... **Duties of a Teacher**

Section 264 (1) – "It is the duty of a teacher and a temporary teacher, ...

(c) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues."

Duties of a Principal

Section 265 – "It is the duty of a Principal of a school, in addition to the Principal's duties as a teacher, ...

- (i) to give assiduous attention to the health and comfort of the pupils; ...
- (m) subject to an appeal to the Board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the Principal's judgment be detrimental to the physical or mental well-being of the pupils; and
- (n) maintain a visitor's book in the school when so determined by the Board.

SAFE SCHOOLS ACT

The Access to School Premises Administrative Guidelines clarify the expectations and procedures governing who is and who is not permitted on school premises in keeping with **O. Reg. 474/00 as amended by <u>O. Reg.</u> 471/07.**

1. ACCESS TO SCHOOL PREMISES

Subject to any restrictions set out in this regulation, the following persons are permitted to be on school premises when the premises are being used for a purpose authorized by the board - O. Reg. 471/07:

- pupil enrolled in the school
- parent or guardian of such pupil
- person employed or retained by Board
- person on premises for lawful purpose

Note: These rights to access do not entitle the person to have access to all areas of the school.

2. CONDITIONAL ACCESS IS GRANTED TO THE FOLLOWING:

- person invited to attend an event, class or meeting
- person invited by Principal, Vice-Principal or someone else authorized by Board policy to be in school for a specific purpose

3. PROHIBITION FROM ACCESS:

- All entrances of elementary schools shall remain locked and/or secured.
- A Principal/Vice-Principal or another person authorized by the board has the duty to exercise his/her discretion to refuse admission to anyone whose presence on the premises would be detrimental to the safety or well-being of a person on the premises.
 O. Reg. 474/00, s. 3 (1)
- A Principal/Vice-Principal or another person authorized by the board has the duty to exercise his/her discretion to refuse admission to anyone who fails to report his or her presence on the premises in a specified manner. O. Reg. 474/00, s. 3 (2)
- In the event a Principal, Vice-Principal or staff member observes or becomes aware of a person who has or is entering premises where entry is prohibited, or is engaging in a prohibited activity or fails to leave the premises immediately after being directed to do so, they may do the following:
 - a) if possible, confront the "trespasser" and identify yourself.
 - b) ask the "trespasser" to identify him/herself including postal address and the reason for his/her presence on school property. If the trespasser appears to be a student from another school, ask for the name of the school.
 - c) verbally request the person to leave the premises and not return.
 - d) send the "trespasser" a written notice, by registered mail with copies of the letter to the police and Family of Schools' Superintendent of Education.

- e) if unable to identify the person for the purpose of sending a letter, the Principal/Vice-Principal should record the incident and that the trespasser received a verbal warning.
- Once warned, if a school official observes or becomes aware of the trespasser returning, it is his/her
 responsibility to immediately contact the police and then monitor the situation while awaiting the
 arrival of the police, as he/she may be necessary as a witness in any subsequent proceedings.
 - a) It is the responsibility of the police to investigate, arrest and charge an alleged trespasser if they observe the trespassing or it is deemed to be "fresh departure". Alternatively, the police will issue the trespasser with a summons under the *Ontario Regulation 474/00, Access to School Premises*.

The Principal/or designate of a school may direct a person to leave the school premises if it is believed that the person is prohibited by regulation or under a Board policy from being there.

4. BUILDING ENTRANCE SIGNAGE

While schools are not required to have signage indicating that unauthorized persons may be charged and fined up to \$5,000 under the *Education Act's Access to School Premises Regulation 474/00*, schools are encouraged to make their public aware of the regulation governing access to school premises.

All schools will be required to post signs welcoming and requiring all visitors to first report to the school office or designated area before going to other sections of the building.

Each school shall designate the location or locations it wishes to be identified as visitor entrances. These entrances will be the locations to be posted with the Board approved sign.

Schools may wish to consider other control measures to ensure that these identified entrances are the only entrances available to visitors during the regular school hours.

An initial supply of school-specific signs shall be provided to each school. Replacement quantities, if required at a future date, can be directly ordered by each school from the Catholic Education Centre.

5. VISITORS TO SCHOOLS

• Identification Badges

All school visitors authorized to be in a school building or on school property are required to wear Board issued I.D. badges. The badges are a means by which visitors approved to be in a school building or on school property can be readily identified. Those without the proper identification would also be readily identifiable and their purpose for being on school property can be determined.

The use of I.D. badges is generally intended to apply during the typical daytime hours of operation of the schools. There are two forms of identification badges available as follows:

a) Photo I.D. Badges

Photo I.D. Badges shall be issued:

- to all Niagara Catholic District School Board Employees
- to all Trustees of the Board.

b) School-Specific I.D. Badges

A quantity of School-Specific I.D. Badges shall be provided to each school to be used to identify those visitors who have not been issued a photo I.D. by the Board and who the school has determined should be issued such badges in accordance with the school's established procedures.

PLEASE NOTE: All personnel who have been issued either Photo I.D. or School-Specific Badges shall be required to wear those badges prominently at all times when in the schools of the Board.

6. VISITORS LOG BOOK

Each school will keep a Visitor's Log Book in which to record pertinent information regarding visitors. The Visitor's Log Book will be maintained as per the following guidelines:

- a) As outlined in Section 265(n) of the Education Act, the maintenance of the Visitor's Log Book shall be the responsibility of the school principal.
- b) The Visitor's Log Book shall be kept in a location determined by the Principal and shall be administered by such personnel as directed by the school Principal.
- c) All visitors in possession of a Photo I.D. Badge or who are issued a School-Specific I.D. Badge must complete the information required in the Visitor's Log Book.
- d) Each school shall determine the practice it wishes to follow regarding any obligation to sign the Visitor's Log Book for other categories of personnel who visit the building (e.g. School volunteers).

In general, it is not anticipated that parents who bring their children to school or pick them up at the end of the school day should be required to sign the school's Visitor's Log Book. Individual schools may develop other such examples of exclusion from the requirement to sign the Visitor's Log Book.

Note: The "specified manner" could be the signing of a visitor's register/log for everyone entering a school to ensure a record of every visitor. This log would be valuable in the event of a disclosure of abuse by a child. There are legitimate reasons for people visiting a school. Visitors may:

- Assist teachers (curriculum or special education consultant, parent volunteer)
- Assist students (clergy, counselor, nurse)
- Repair or construct systems in the building
- Deliver supplies
- Discuss relevant issues regarding students (through the school office only)

Visitors should be informed of their obligation to comply with any regulations and school Board policies regarding the duty of care to children and the maintenance of the public interest mandate within the school. It is possible that any visitor to the school could be the recipient of a "disclosure of abuse" by a student; these individuals would be obliged to report such information to Family and Children's Services Niagara. As well, all visitors are required to behave in an exemplary non-abusive manner in their contact with students. They must realize that they are entering a protective environment for children that are similar to a nurturing family environment.

TEACHING PROFESSION ACT

Teaching Profession Act, R.S.O. 1990, c. T.2, as amended.

Section 12 of the *Teaching Profession Act* authorizes the Board of Governors of the Ontario Teachers' Federation (the "OTF") to make regulations prescribing a code of ethics for its teacher-members.

The Regulation made under the *Teaching Profession Act* provides as follows:

- Section 13 provides that a teacher's general duty is to "strive at all times to achieve and maintain the highest degree of professional competence and to uphold the honour, dignity, and ethical standards of the teaching profession".
- Subsections 14(d) and (f) provide that a teacher shall "show consistent justice and consideration in his relations with pupils"; and "concern himself with the welfare of his pupils while they are under care".
- Subsection 16(b) provides that a teacher "shall recognize a responsibility to promote respect for human rights".

ONTARIO COLLEGE OF TEACHERS ACT

The Ontario College of Teachers Act, 1996, S.O. 1996, c.12, as amended.

Paragraph 22 of section 41(1) of the *Ontario College of Teachers Act* empowers the College of Teachers to make by-laws prescribing professional and ethical standards applicable to members.

Pursuant to the by-laws, every member of the College of Teachers must adhere strictly to the Code of Ethics, as well as the underlying spirit and precepts thereof'.

Paragraph 31 of section 40(1) of the *Ontario College of Teachers Act* authorizes the making of regulations defining professional misconduct for the purposes of the *Ontario College of Teachers Act*.

O. Reg. 437/97 – 'Professional Misconduct', in paragraph 7 of section 1, defines professional misconduct as including abusing a student physically, sexually verbally or emotionally'.

Note: Boards must provide clarity for dealing with the range of abusive conduct that is present in the schools. The challenge is to create a balance for the members of the College that preserves the social interaction relationship between students and teachers while protecting students from abuse.

STUDENT PROTECTION ACT, 2001

- a comprehensive definition of sexual abuse (Ontario College of Teachers Act)
- mandatory reporting by employer of sexual abuse incidents by members to the College of Teachers (Ontario College of Teachers Act),
- mandatory removal from the classroom of teachers charged with sexual assault (*Education Act*, S. 170. (1) Duties of Boards),
- mandatory reporting to the College of Teachers of disciplinary action against teachers in the area of sexual misconduct (*Ontario College of Teachers Act, Part IX.1*),
- failure of employers to report disciplinary action against teachers to the College of Teachers results in a \$25,000 fine (Ontario College of Teachers Act, S.48.1), and
- changes in Adverse Reporting: Teachers are not required to inform colleagues when making a report about them with regard to sexual abuse (*Teaching Profession Act*).

CRIMINAL CODE

The Criminal Code, R.S.C. 1985, c.46

The *Criminal Code* identifies a variety of offences which criminalize sexual abuse by any adult in schools or elsewhere. These offences include sexual interference, invitation to sexual touching, sexual exploitation, indecent acts and exposure and sexual assault. Pursuant to section 161(1)(b) of the *Criminal Code*, an individual who has been convicted of such offences can be banned from employment in a position of trust or authority (such as teachers or other school personnel) over persons under 14 years of age. These orders are rare but would be an important tool to enhance public safety and student security. In addition, of course, the *Criminal Code* criminalizes physical assault.

ONTARIO HUMAN RIGHTS CODE

The Ontario Human Rights Code, R.S.O. 1990, c. H.19 (the "Code")

The *Code* takes precedence over other Ontario legislation, collective agreements and administrative policies of a school Board. It specifically addresses sexual discrimination, sexual harassment, sexual solicitations, advances and reprisals. School Boards should be aware of the provisions, as well as the spirit and intent, of the *Code*, when drafting harassment policies.

The term "harassment" is defined in the *Code* as "a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." Sexual harassment is not specifically defined, but would involve comments or conduct of a sexual nature. The victim, or complainant, must subjectively find that the conduct is annoying or distressing. The respondent must have known (subjectively), or ought reasonably to have known (an objective test), that the behaviour is unwelcome.

GLOSSARY OF TERMS

Abandonment: a parent who, by their death, absence, or for other reasons, is unable to exercise their responsibility as a caregiver for a child.

Abuse: an action by a person towards another person that violates the safety or integrity of the individual.

Assigned caregiver: someone who has been assigned responsibility of care for the child by the parent/guardian e.g. daycare worker, babysitter, school volunteer, family member.

Assumed caregiver: includes individuals employed by a school board.

Caregiver: parent, step-parent, live-in partner, foster parent or other adult with custody and control of a child. Also includes an assumed caregiver such as a bus driver or residential coach.

Child: a person pursuant to the Child and Family Services Act who is apparently under 16 years of age.

Community Care Giver institutional out-of-home setting: The Niagara Catholic District School Board employees considered to be Community Caregivers in Institutional Out-of-Home settings pursuant to Ministry standards and for purposes of this protocol are: Principals, Vice- Principals, Teachers, Educational Assistants, Library Technicians, and Child and Youth Workers.

Customary Care: Customary care refers to the traditional practice of Aboriginal child rearing and care. 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 between the adults and/or verbal abuse.

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 behaviour. Grooming behaviours desensitize the child through progressively more sexual behaviours.

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

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.

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 Family and Children's Services 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 Family and Children's Services Niagara.

In need of protection: includes any child showing evidence of physical, sexual and/or emotional abuse, neglect and/or risk of harm.

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.

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 Abuse according to the Ontario College of Teachers Act includes:

- a) sexual intercourse or other forms of physical sexual relations between the member and the student,
- b) touching of a sexual nature, of the student by the member, or
- c) behaviour or remarks of a sexual nature by the member towards the student.

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 student or former student under the age of 18, and any conduct directed to establishing such a relationship.

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 believe 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.