

YORK CATHOLIC DISTRICT SCHOOL BOARD



BOARD POLICY	
<i>Policy Section</i> Students	<i>Policy Number</i> 204
<i>Former Policy #</i>	<i>Page</i> 1 of 7
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February 1993	November 2002 May 27, 2014 April 24, 2018 January 29, 2019 December 17, 2021

POLICY TITLE: CHILD PROTECTION AND ABUSE

SECTION A

1. PURPOSE

The York Catholic District School Board recognizes the sanctity and dignity of human life and the requirement for Trustees and employees to comply with Section 125 of the [Child, Youth and Family Services Act, 2017](#) and amendments to this Act. This Act has addressed itself in

2. OBJECTIVE

It is the policy of the York Catholic District School Board to support fully the goals of child protection and abuse legislation outlined within the *Child, Youth and Family Services Act*. To affect such support, the Board mandates all persons who work and/or have direct contact with students to fulfill their moral and legal obligations, ensuring familiarization of the legislation and reporting procedures, in order to assist Child Protection Agencies (Society, and the Jewish Family and Child Services), hereby referred to

3. PARAMETERS

- 3.1 All Board Employees, students on placement, Volunteers, Third Party Providers and/or any other person in a position of trust or authority who have reasonable grounds to suspect that a child is or may be in need of protection, shall **immediately** report the s The duty to make a report overrides the provisions of any other provincial statute, including those legislative provisions that would otherwise prohibit the individual from disclosing confidential or privileged information.
- 3.2 Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children has reasonable grounds to suspect

one of the following, the person shall immediately report the suspicion and the information on which it is based to a society if:

- 3.2.1 The child has suffered physical harm inflicted by the person having charge of the child or caused by
 - 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.
- 3.2.2 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
 - 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.
- 3.2.3 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.
- 3.2.4 There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3.2.3.
- 3.2.5 The child requires treatment to cure, prevent or alleviate physical harm or 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*, refuses or is
- 3.2.6 The child has suffered emotional harm, demonstrated by serious:
 - i) anxiety;
 - ii) depression;
 - iii) withdrawal;
 - iv) self-destructive or aggressive behaviour; or,
 - v) delayed developmentand 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
- 3.2.7 The child has suffered emotional harm of the kind described in 3.2.6 and the or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the [Health Care Consent Act](#), refuses or is unavailable or unable to consent to treatment to remedy or alleviate the harm.
- 3.2.8 There is a risk that the child is likely to suffer emotional harm of the kind described in 3.2.6

3.2.11

the child is in a residential placement and the parent refuses or is unable or unwilling to

3.2.12 The child is younger than 12 years of age and has killed or seriously injured and

services or treatment are necessary to prevent a recurrence and t 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*, refuses or is unavailable or unable to consent to treatment.

3.2.13 The child is younger than 12 years of age and has on more than one occasion

with the encouragement of the person having charge of the child or because of

3.3 The individual **shall** make the report **directly** to the C in respect of a child up to the age of their 18th birthday, and shall not rely on any other person to report on his or her behalf.

3.4 The **duty to report** is an **ongoing obligation**. If an individual has made a previous report about a child, and has additional reasonable grounds to suspect that a child is or may be in need of protection, that individual shall **immediately** make a further report to

suspect that a child is or may be in need of protection shall not rely on anyone else to report on his or her behalf.

3.5 All Board Employees, students on placement, Volunteers, Third Party Providers and/or any other person in a position of trust or authority, who have made a report to the Society shall immediately complete the **Confirmation of Report** form and **scan/email** to the personal attention of the Director of Education.

3.6 shall be instituted against a person who makes a report unless the person acts maliciously or without reasonable grounds for the suspicion.

3.7 In making a report, with or without the concurrence of the Principal or any other personnel, the individual making the report shall not be criticized or be subject to any form of reprimand by the Board.

3.8 In cases where the individual is unsure as to what warrants a report of suspected abuse under the law and/or may be hesitant to assume responsibility of reporting, the individual **immediately** for consultation. The individual who has consulted with the Society shall immediately complete the **Confirmation of Report** form and **scan/email** to the personal attention of the Director of Education.

3.9 In cases where the alleged perpetrator is a colleague in the workplace or an employee of the Board, this person shall not be interviewed or communicated with by others aside

3.11 T
as per the [Child Protection Protocol of York Region](#).

3.12 The decision to _____ or Police
Designate. **not** the Principal or

3.13 Every person is guilty of an offence as defined in *Section 125 of the Child, Youth and Family Services Act, c C11*, if a suspicion of abuse and the information on which it was based is not reported.

4 RESPONSIBILITIES

4.1 Board of Trustees

4.1.1 To comply with Section 125 of the *Child, Youth and Family Services Act, c. C11* and amendments to this Act in the protection of children.

4.2 Director of Education

4.2.1 To oversee compliance of the Child Protection and Abuse Policy and Independent Procedures.

4.3 Superintendents of Education

4.3.1 To support the implementation of the Child Protection and Abuse Policy and Independent Procedures.

4.4 Human Resources

4.4.1

possible if the child will be detained beyond the usual arrival time to his/her home.

- 4.5.7 In the event the caregiver(s) contacts or attends the school regarding the whereabouts of the child, the Principal or Designate will direct them to the r Police Officer.
- 4.5.8 Should the caregiver(s) insist on removing the child from the school prior to the arrival of the Team, the Principal shall release the child to the caregiver(s) and immediately advise the Team.
- 4.5.9 To provide support and/or

The duty to report is an ongoing obligation.

If a person has made a previous report about a child, and has additional reasonable grounds to suspect that a child is or may be in need of protection, that person must

Further, the person who has the reasonable grounds to suspect that a child is or may be in need of protection shall not rely on anyone else to report on his or her behalf.

Persons who perform professional or official duties with respect to children include, but are not limited to: health care professionals, teachers, school principals, social workers, priests, rabbis and other members of the clergy, operator or employee of a day nursery, youth and recreation worker, peace officers, coroners, solicitors, and service providers and their employees.

If a person who has professional or official duties in their work with children does not report a suspicion of child abuse, then this person can be charged and fined up to \$5,000.

5.8 Employee

For the purpose of this policy, an employee is any individual hired by the York Catholic District School Board to perform services in exchange for a salary or an hourly wage on a casual, temporary or permanent basis, including, but not limited to, Centrally Assigned Staff, School personnel, and/or contracted Staff.

5.9 Position of Trust or Authority

A person in a position of trust is a person who is in a particular position with respect to the child which imposes on him/her a duty of care in relation to the child.

A person in a position of authority with respect to a child means that the person exercises the power of authority (i.e., the power or right to enforce obedience) over the child.

5.10 Support Person

Any person from whom the child wishes assistance during any process related to an investigation.

5.11 Team

engaged in the investigation of the alleged child protection / assault issue.

5.12 Third Party Provider

For the purpose of this policy, a Third Party Provider refers to external private or publicly funded professionals/paraprofessionals whose services are provided to assist a student, in collaboration with school personnel, to acquire the knowledge and skills necessary to thrive in the school setting and do so in accordance with the *Education Act*, applicable Board Policies and Protocols.

6. CROSS REFERENCES

[Child, Youth and Family Services Act, 2017, S.O. 2017 c.14](#)

[Child Protection Protocol for York Region: Guidelines and Procedures for a Coordinated Response, revised January 2010](#)
[Education Act](#)

[Human Rights Code](#)
[Ministry of Education](#)

Policy / Program Memorandum No. 9: [Duty to Report Children in Need of Protection](#)

YCDSB Policy 613 [Equity & Inclusive Education](#)
[YCDSB Third Party Protocol for External Partnerships](#)

[YCDSB Procedure: Ours to Protect – Child Protection and Abuse Reporting Procedures, an addendum to Policy 204 Child Protection and Abuse](#)

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