

STUDENTS

Reporting Children and Youth in Need of Protection

1.0 Introduction

The Child Youth Family Services Act (CYFSA, 2018) requires all professionals working with children, including teachers and school board personnel, to report promptly any information or situation where a child has suffered physical harm or where there is reasonable grounds to suspect risk of harm caused by the person in charge of the child or the child has been inadequately cared for, neglected or maltreated.

On January 1, 2018, the Ontario government introduced legislation that increased the age of protection to 18 years of age. By increasing the age of protection, 16 and 17 year olds who are in need of protection will be eligible for the full range of children protection services, which will give them a better opportunity to get the support they need, have better outcomes as they transition to adulthood.

The Durham Children's Aid Society (DCAS), Dnaagdawenmag Binnoojiiyag Child and Family Services (DBCFS), Durham District School Board (DDSB) and the Durham Catholic District School Board (DCDSB) often work with the same children and families in our community. The organizations recognize the need to foster cooperative and effective working relationships. A protocol has been developed to support and facilitate such collaboration, to provide clarification as to the respective roles and responsibilities of the organizations and to serve as a resource document.

2.0 Responsibilities

All Board employees and volunteers:

- must report **promptly** and **directly** any suspected or disclosed child protection concerns for children and youth under 16 years of age to the Durham Children's Aid Society or Dnaagdawenmag Binnoojiiyag Child and Family Services and complete the Student Protection Reporting Form;
- will report **promptly** and **directly** any suspected or disclosed child protection concerns for youth 16 and 17 years of age to the Durham Children's Aid Society or Dnaagdawenmag Binnoojiiyag Child and Family Services and complete the Student Protection Reporting Form;
- will report **promptly** and **directly** any suspected or disclosed child protection concerns regarding a student 18 years of age or older if:
 - such student is under the care or supervision of a Society (by way of a Child Welfare Court Order)
 - if such student is not under the care or supervision of a Society but there is reasonable grounds to suspect such a student has been maltreated, and such suspicion in turn gives rise to reasonable grounds to suspect other children may be at risk (including younger siblings and other children;)
- will provide any pertinent information to the Society any information about Indigenous heritage, language spoken in the home, culture, creed and race, including the name of First Nation or Indigenous community (if known) and other information that may be of assistance in determining Indigenous heritage (refer to the Guide for Identifying Indigenous Persons, Appendix J, Protocol 2018) are to be referred to Dnaagdawenmag Binnoojiiyag CFS);
- will consult with the Society in any situation where there is doubt regarding the necessity to report and will act in accordance with the guidance of the Society personnel;
- must report any additional child protection concerns to the Society even if previous reports have been made with respect to the same child or youth;

- Will report any suspected or disclosed child protection concerns to their school administrator/Supervisor for all children and youth under the age of 18;
- Will not contact the parents/guardians unless advised by the Society;
- Will work collaboratively with the Society to maintain a normal environment for all students and staff during the course of an investigation;
- Copy of the completed the Student Protection Reporting Form to be submitted to the Chief of Social Work.

Principals

- ensure that all school personnel and volunteers are trained annually in the requirements for reporting children and youth in need of protection as per the Child, Youth and Family Services Act, 2017;
- support school personnel in reporting promptly and directly any information or situation where a child or youth has suffered physical harm or where there is reasonable grounds to suspect risk of harm caused by the person in charge of the child or the child has been inadequately cared, neglected or maltreated;
- ensure that school personnel cooperate with the Society in the course of conducting any investigation related to child protection. This includes facilitating interviews, making meeting space available at the school to conduct interviews, ensuring timely communication and providing documentation where required under legislation;
- ensure that school personnel consult with the Society in any situation where there is doubt regarding the necessity to report and will act in accordance with the guidance of the Society personnel;
- ensure that school personnel complete the Student Protection Reporting Form (Appendix C, Protocol, 2018);
- ensure that the Removal of Student from School Premise Form (Appendix D, Protocol 2018) is completed by the Durham Children's Aid Society or Dnnaagdawenmag Binnoojiiyag Child and Family Services if a student is removed from school and taken to a place of safety;
- ensure that all records are kept confidential and retained outside of the Ontario School Record.

School Board:

- ensure that all staff members are aware of, and understand, the relevant sections of the Child and Family Services Act particularly the requirement to report suspected cases of children in need of protection;
- ensure that school board policies and procedures on reporting suspected cases of children in need of protection conform with the provisions of the Child and Family Services Act
- (PPM #9 – Reporting of Children in Need of Protection, Aug. 2001),
- support schools in the implementation of Policy and Procedure: Reporting Children and Youth in Need of Protection.
- The Child, Youth and Family Services Act, 2017 and various case law confirm that no one should interfere with a Children's Aid Society investigation and parental consent is not required by the Children's Aid Society in order to interview a child.

- If a child protection worker during an investigation is unable to locate a child or youth, privacy legislation (MFIPPA) allows for school boards to provide information that will assist in locating the child or youth.

Chief Social Worker will:

- maintain a record of each request for information made by a Society; and provide the Society with information as requested using the following process:
- The Student Protection Reporting Form and Removal of Student from School Premise by DCAS or DBCFS Form will be made available as a fillable PDF available to all Board employees on the Portal.
- Board employees can type in and then print the form off
- All completed forms to be sent to the Chief Social Worker (as are the Suicide Intervention Response Forms) to be scanned into OnBase
- The indexing of these forms to be determined to allow restricted access per protocol to respond, and track, any requests from the Children's Aid Societies.

3. Appendix

Appendix A - Durham School Boards and Children's Aid Societies Protocol (2018)

Appendix B - Children and Youth in Need of Protection – Requirements and Process

Effective Date

2019-02-11

Amended/Reviewed