

 St. Michael's College School	Students
Policy: Reporting Abuse and Neglect of Students	B12.06.20

A. PURPOSE

St. Michael's College School (the "School") is committed to providing each and every student with a safe, nurturing, positive and respectful learning environment. Every year, thousands of cases of child abuse and neglect are reported to child welfare authorities in Ontario cities. Both the Ontario *Child, Youth and Family Services Act, 2017* and the *Criminal Code of Canada* demonstrate our society's commitment to protecting children from abuse and neglect. The employees of the School have a special role and responsibility in the protection of children and students of all ages.

The *Child, Youth and Family Services Act, 2017* is legislation which governs the duty to report child in need of protection. All staff employed by the School shall comply with the *Child, Youth and Family Services Act, 2017* ("CYFSA"), with regard to the reporting of a child in need of protection. Child protection concerns in relation to these obligations are handled by children's aid societies.

Whether a child suffers from physical, sexual or emotional abuse or is a victim of neglect, the long-term effects can be enormous. Increased rates of suicide, addiction, and mental health disorders of all kinds are directly related to child abuse or neglect. Experience has shown that it is not only younger children who are victims of abuse, but that older students can also be victimized in the home, at school, or in the community.

The School is committed to preventing, detecting, intervening in and reporting abuse or neglect of any students. Every member of the school community, including students, teachers, parents/guardian, support staff, or others while on school property and at school sponsored events – is governed by the policies of the School and shares in the responsibility for creating an environment that is safe, harmonious, and respectful.

Early identification of child abuse and neglect can occur through disclosure or as the result of reasonable suspicions on the part of school employees and volunteers. Reporting disclosures or suspicions may not only prevent future victimization of children, it may also permit both the victim and perpetrator to receive the help they need. Early intervention may ameliorate the long-term effects of abuse and break the ongoing cycle of further victimization and harm.

By pursuing an integrated program of prevention education and intervention, and by providing the necessary resources to support these initiatives for all students, The School will demonstrate its commitment to the goal of eradicating abuse and neglect. The School, therefore, will have zero tolerance in all of its learning environments for physical, sexual and emotional abuse and/or neglect of students.

PRINCIPLES

- (a) Students attending the School are entitled to a learning environment free from violence and harassment, including threats and/or bullying and inappropriate sexual behaviour by other students, and no student will experience corporal punishment, physical mistreatment, sexual, emotional, physical, or verbal abuse by staff or other employees of the School.
- (b) The School will educate all of its students about their right to live without fear of physical, sexual, and emotional abuse and neglect, and will support disclosure of such abuse.
- (c) The School will establish a series of age-appropriate programs to educate all of its students about the issues of abuse and neglect.
- (d) The School will educate all its employees, volunteers and parents about the issues of abuse and neglect, and their duty to maintain safe and abuse-free learning environments.
- (e) The School is committed to addressing issues and suspicions of harassment, physical, sexual, and emotional abuse and neglect in a manner that is culturally appropriate to all communities in Ontario. While The School respects the diversity of its school communities, child abuse prevention and reporting practices must be consistent with Canadian law.
- (f) The School will ensure its employees collaborate and cooperate with any investigation by a children's aid society or the police relating to a suspicion of child abuse or neglect.
- (g) The School will hold all employees and volunteers accountable for the following:
 - i. The School staff and volunteers working directly with a student of any age in their professional capacity will not enter into a sexual relationship with that student during the course of the professional relationship or for a period of one year thereafter; and
 - ii. In the case of students and former students under the age of 18, any such relationship, in addition to being a serious breach of school policy, is also a criminal offence of sexual exploitation or sexual assault.
- (h) The School will ensure that all prospective employees are screened for records of criminal conviction for sexual offences and offences involving children.
- (i) The School will ensure that its physical spaces are regularly reviewed to address significant risks of abuse or neglect.
- (j) The School will respect the dignity and privacy of its students.

INVESTIGATION AND DISCLOSURE OF SUSPECTED CASES OF CHILD ABUSE OR NEGLECT

The *Child, Youth and Family Services Act, 2017* requires reasonable suspicions of abuse or neglect to be reported to a children's aid society.

The following principles are directed at all persons who are employees or volunteers at the School:

- (a) The CYFSA imposes a duty on any person who on reasonable grounds suspects that a child under the age of 16 is or may be in need of protection to immediately report this suspicion and the information upon which the belief is based to a children's aid society. The person holding such a reasonable suspicion must be the one who makes the direct report and must not rely on any other person to report on their behalf. For children who are 16 or 17 years of age, such reasonable suspicions may also be reported, but a duty to report does not apply.
- (b) The obligation to report a reasonable suspicion of a child in need of protection is ongoing. A person who has reasonable grounds to suspect one of the circumstances set out in section 125(1) of the CYFSA, must make a further report even if the person has made a previous report with respect to the same child.
- (c) A report must be made despite the confidential nature of some of the information which may be communicated, including information contained in the Ontario Student Record. The statute protects a person coming forward with a report of abuse by preventing a lawsuit against that person, unless the person acted maliciously or without reasonable grounds for the suspension.
- (d) For all persons subject to the CYFSA, the requirement of reporting must be carried out "immediately". The timely reporting of abuse serves to protect the child and, in some cases, may prevent the contamination of a child's evidence.
- (e) It is not the duty of a teacher and/or principal St. Michael's College School to assess the severity of the abuse – it is mandatory for a teacher and/or principal St. Michael's College School to report any and all cases where there are reasonable grounds to suspect that abuse occurred, regardless of whether or not the injury is minimal.
- (f) If a person has reasonable grounds to suspect a child is being abused/neglected, has been abused/neglected, is at risk of being abused/neglected, (no matter where the abuse/neglect occurred or will occur), or is exposed to family violence, the person must report his or her suspicions to a children's aid society immediately, as well as all of the necessary details about the student and his/her family that would enable the children's aid society to investigate. The educator must provide his or her own name and contact information.

- (g) It is recognized that some children will disclose directly that they are being neglected, hurt or abused while others will disclose such information only indirectly by actions, behaviour or through a third party.

Privacy, Confidentiality, Secrecy

- (a) A person who suspects or has received disclosure that a child is being abused or neglected has a duty to report this information to the applicable children's aid society immediately and cannot promise the student that he or she will keep information about the abuse/neglect a secret. Children should be informed that this information is required to be disclosed to the Principal, Vice Principal, or Head of the School or designate, and to the police and/or children's aid society.
- (b) Where abuse/neglect is known or suspected, or a report of such is made, the student shall not be identified to other staff or students except to the extent required by The School to carry out an investigation, or as otherwise required by law.
- (c) The law prevents the public identification of a victim of a sexual offence or a victim of any child abuse/neglect.
- (d) The law also prohibits revealing the identity of an offender under the age of 18 or an offender of any age where the act of identification may tend to identify the victim(s).

B. DEFINITIONS

For the purpose of this policy, the following working definitions are used:

Abuse: means sexual, physical, or emotional abuse.

Emotional Abuse: is when a caregiver treats a child in an extremely negative way that damages self-esteem and the concept of self; it is a pattern of behaviour that attacks a child's emotional development and sense of self-worth. It includes excessive, aggressive or unreasonable demands that place expectations on a child beyond his or her capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring or isolating the child. It may also include exposure to domestic violence. Subtle signs of emotional abuse may include (but are not limited to):

- Sudden change in self-confidence
- Headaches or stomach aches with no medical cause
- Destructive behaviour
- Abnormal fears, increased nightmares

- Failure to gain weight (especially in infants)
- Desperately affectionate behaviour
- Speech disorders (stuttering, stammering)
- Habit disorders (biting, rocking, head-banging)
- Argumentative or consistent temper tantrums
- Bullying tactics
- Being easily frustrated
- Behaviour extremes—disobedient or overly compliant

Employee: an employee of the School.

Indicators: Signs, symptoms or clues, which, when found on their own or in various combinations may point to child abuse, are called indicators. Indicators may:

- be apparent in the child's physical condition and/or manifested in the child's behaviour;
- manifest in the behaviours and attitudes of adults who abuse children, and cause others to question their care of children (although most adults who have abused children are not mentally ill, risk factors to take into account are adults that present with some personal dysfunction, such as mental illness, personality disorder or substance abuse);
- be non-specific and common in children and therefore difficult to assess why they are present, for example bed-wetting nightmares, clinging or increased self-stimulation may be related to stress in the child's life such as marital discord, family illness or death;
- point to a history of abuse such as the re-enactment of adult sexual behaviour or explicit sexual knowledge inappropriate to the child's age and stage of development.

Neglect: is a pattern where a child's caregiver fails to provide basic needs such as food, sleep, supervision and safety, education, appropriate clothing or medical treatment. It also includes leaving a child alone or failing to provide adequate supervision. If the caregiver is unable to provide the child with basic needs due to financial inability, it is not considered neglect, unless relief has been offered and refused. Subtle signs of neglect may include (but are not limited to):

- Missing key articles of clothing
- Over- or under-dressed for weather conditions

- Height and weight significantly below age level
- Consistent school absenteeism
- Persistent hunger
- Trouble concentrating
- Low self-esteem
- Body odour
- Child assumes adult responsibilities
- Always being dirty and severely unkempt
- Sleepiness/always tired
- Child steals food/lunch money from others

Physical Abuse: any deliberate physical force or action, by a parent or caregiver, which results, or could result, in injury to a child. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing a child. Using belts, sticks or other objects to punish a child can cause serious harm and is also considered abuse. It can also be physical abuse when the caregiver fails to do something to protect the child. Subtle signs of physical abuse may include (but are not limited to):

- Child wears long sleeves/long pants even in warm weather
- Excessive crying
- Child seems anxious when other children cry
- Avoidance of physical contact with others
- Recurrent nightmares or disturbed sleep patterns
- Behaviour extremes—aggressiveness or withdrawal
- Poor self-concept
- Whispered speech
- Loss of appetite for no apparent reason, or excessive appetite
- Child is wary of adults
- Re-enactment of abuse using dolls, drawings or friends

- Clinging
- Delinquent behaviour
- Abrupt decline in school performance

Sexual Abuse: is any sexual exploitation of a child by a caregiver or someone else when a child is used for the sexual gratification of an adult or an older child. The child may cooperate because he or she wants to please the adult or out of fear. It includes sexual intercourse, exposing a child's private areas, indecent phone calls, fondling for sexual purposes, watching a child undress for sexual pleasure, and allowing/forcing a child to look at or perform in pornographic pictures or videos, or engage in prostitution. Subtle signs of sexual abuse may include (but are not limited to):

- Frequent sore throats or urinary infections
- Constant sadness
- Re-enactment of abuse using dolls, drawings or friends
- Clinging
- Thumb-sucking
- Sudden fear of the dark
- Behaviour extremism—aggressiveness or withdrawal
- Recurrent nightmares or disturbed sleep patterns
- Loss of appetite for no apparent reason, or excessive appetite
- Bedwetting
- Avoidance of undressing or wearing extra layers of clothes
- Abrupt decline in school performance

C. PROCEDURES

1. What to Do When Reporting Abuse/Neglect

- (a) Inform the Principal or designate as soon as reasonably practicable:

- A person who suspects or has received disclosure that a child is being abused or neglected should report the suspicion or disclosure to the appropriate children's aid society, and as soon as reasonably practicable to the Principal.
 - In situations where the person with the duty to report is unable to discharge this duty, the Principal or designate will make the report in the presence of the person, where possible, who has formed the suspicion or heard the disclosure.
- (b) Once a person has formed the suspicion or heard a disclosure, the Principal or designate shall not prevent a report to the children's aid society being made, nor will there be a sanction or reprisal as a result of such action taken.
- (c) While the duty to report lies with the person who has formed the suspicion or heard the disclosure, he/she may request the Principal's or designate's presence while making the report to the children's aid society.

2. Inform the Children's Aid Society

- (a) When reporting to the appropriate children's aid society a person who suspects or has received disclosure that a child is being abused or neglected must provide the required information;
- (b) If advised by the children's aid society worker that the suspicion and/or disclosure(s) do not warrant an investigation, a person who suspects or has received disclosure that a child is being abused or neglected must ensure that he or she records the worker's name, the date, and time of the consultation.
- (c) A person who suspects or has a reasonable suspicion or who has received disclosure that a child is being abused or neglected has an ongoing duty to report any future suspicions or disclosures of this nature, even if a previous report of such has been made to the children's aid society.

3. Principal's Responsibilities

- (a) The Principal will ensure all School staff are trained in the requirements under the *Child, Youth and Family Services Act, 2017*, and report any suspicions in accordance with that Act. The Head of the School will support any school staff in making such a report.
- (b) The duty to report lies with the person who has formed the suspicion. Where the reporter is not the Principal, the Principal shall ensure that the reporter is aware of and complies with the Responsibilities of a Person Reporting set out below.
- (c) The Principal must ensure that the children's aid society are aware of the timelines (such as when the child is expected at home) so its response can be prioritized accordingly. The children's aid society also requires time to make arrangements for

an investigation. This is an especially important factor when dealing with kindergarten children attending half-day programs. The Head of the School will ensure that the children's aid society receives cooperation and support from the School and staff in any investigation, while taking reasonable measures to ensure the privacy of students

4. Responsibilities of a Person Reporting

- (a) As the safety and protection of the student is the School's paramount concern, the reporter should inform the children's aid society regarding the child or her/his family circumstances which may help in the investigation. In addition, the reporter should ask the following questions:
- How and when should the parents be contacted?
 - Will the child be interviewed?
 - Do the investigators plan to come to the school or home? When? Will they be investigating or only consulting?
 - May the child go home at lunch or after school if the interview has not yet taken place? If the child is scheduled for child care, can the child be released to the child care? What information can be shared with the child care?
 - If no interview has taken place does the children's aid society have instructions for supervision of the child? What should the Principal do if the parent arrives at the school?
 - What information can be shared with the child and her/his parent(s) if the interview has not yet taken place?
- (b) After reporting, the reporter should take the following steps:
- i. Have a trusted person (most likely the person to whom the child disclosed) stay with the child until the police/children's aid society team arrives at the school (recognizing that the child requires support during this period).
 - ii. If the child indicates that she/he wants support during the interview, the police/ children's aid society should be advised and permission sought. The support person should be a person of the child's choosing.
- (c) Documenting the Incident and Indicators
- (i) All observed indicators should be carefully documented. This process helps to put the information in perspective, assists school personnel in reporting to a children's aid society, and provides a record in the investigation and court processes. When recording any information, it is important to:
 - record all relevant information as soon as possible, including dates, times and persons spoken with;

- provide a description of the situation and what was actually seen and heard that is clear and concise;
- provide a full description of any injury, including size, colour, shape and placement on the body;
- avoid interpretations of medical, physical or emotional conditions, and what you think is happening;
- be objective and non-judgmental;
- record, word for word, any conversations between the individual who prepares such document and the child, or any others relevant to the situation; and
- record what the child or others said, *using their own words*.

The resulting report must:

- be factual (including dates and times);
- contain no opinions;
- be brief and to the point;
- include information seen or heard by the person making the report;
- provide a full description of any injury, including size, colour, shape and placement on the body; and
- include a signature of the person who prepared the report and date the report.
- retain these notes in a secure place;
- document any further suspicions that may arise.

Persons preparing a report are required to prepare additional documentation for any further suspicions that may arise.

All documented reports of suspected abuse/neglect will be maintained by the School in a secure location, and will be subject to disclosure for the purpose of an investigation by the School, children's aid society, or as otherwise required by law.

Documenting Indicators of Child Abuse

- (d) Follow-up with police and children's aid society
- i. If it is not apparent that an investigation has commenced within 24 hours, it is the responsibility of the Principal or designate to contact the children's aid society to ascertain the status of the case.
 - ii. It is the responsibility of the Principal or designate to contact the children's aid society to ascertain the outcome of any investigation begun pursuant to this procedure.
 - iii. If the Principal or designate is not satisfied or certain that the child has been protected, then the Principal or designate will also contact the police or other support authorities.

5. Support for The Student

The School recognizes that a student who has been abused will need support, and the School will endeavour to assist the student, wherever possible. The School make reasonable efforts to provide such efforts in a manner that is culturally appropriate for all communities in Ontario, and that supports and appreciates the student's cultural background, as well as the cultural backgrounds of other students at the School.

Possible forms of support include:

- assisting in restoring the self-esteem of the student by involving his/her teachers and/or the school counsellor;
- requesting the assistance of a teacher or staff member, acceptable to the student, to lend support to the child at school;
- referring to private counselling or therapy, if required;
- providing accommodation or modifying workload expectations to relieve the stress of crisis; and/or
- advising the family of community resources.

6. PREVENTION OF FALSE ACCUSATIONS OF ABUSE TOWARDS EMPLOYEES

School employees should be alerted to the need to protect themselves from false accusations relating to abuse by:

- conducting themselves in a manner which maintains a student-adult relationship built on trust and mutual respect;

- refraining from any behaviour, by words or conduct, that might be reasonably construed as sexually or physically “suggestive” or “abusive”;
- being aware of the potential risks of making any kind of physical contact with students;
- striving to keep all interactions between adults and students interruptible and observable, and ensuring that students are within hearing range of another adult whenever possible;
- avoiding closing the classroom door, particularly when a teacher is with a single student;
- avoiding favoritism, or singling certain students out through physical contact;
- avoiding circumstances where the employee is alone with a student for an extended period of time;
- avoiding going into small or dark rooms with only one student;
- understanding and appreciating students’ developmental stage and corresponding cognitive abilities; and
- updating knowledge and training by attending in-service programmes and workshops/courses on abuse, inappropriate behaviour, and misconduct towards children.

7. Protection of Employees From False Accusation of Abuse

Employees have a right to due process in the handling and examination of allegations of abuse. If allegations are determined to be unfounded, no record of the allegation will be kept in the employee’s personnel file. However, a record of the incident will be kept in a separate incident file, maintained in strict confidence, in a secure location in accordance with appropriate administration procedures.

The School recognizes that employees who have been falsely accused of abuse may need support, and the School will endeavour to assist the employee, wherever possible.

Possible forms of support may include:

- modified workload expectations to relieve stress;
- time off; and/or
- personal, professional, and/or family counselling.

8. Protection From Reprisal

A reprisal is defined as any act of retaliation, whether direct or indirect.

This Policy prohibits reprisals against individuals who, acting in good faith, report incidents of abuse or neglect or act as witnesses in relation to such reports and their investigation. The School will take all reasonable and practical measures to prevent such reprisals or threats thereof, and any such act or threat of reprisal may result in disciplinary action being taken by the School, up to and including dismissal for cause.