

**DUTY TO REPORT / SUSPECTED CHILD ABUSE POLICY**  
**Including suspected abuse by staff.**

August 2022

A person is defined as a child from birth until his/her 16th birthday. The Child and Family Services Act (Section 72)

Duty to Report: In accordance with the Child, Youth and Family Services Act (2017), under section 125, it is a “requirement to report child abuse, the suspicions of harm or the risk of harm to children”, it is the responsibility of every person in Ontario, including a person who performs professional or official duties with respect to children, to immediately report to a Children’s Aid Society if s/he suspects that child abuse has occurred or if a child is at risk of abuse.

This includes any operator or employee of a day nursery. An individual’s responsibility to report cannot be delegated to anyone else.

The staff of Elora Co-operative Preschool will review the Professional Advisory – Duty to Report, provided by the College of Early Childhood Educators on a yearly basis. The review date is recorded on our Duty to Report sign-off record.

The staff will understand that Section 125 of the CYFSA (Child, Youth and Family Services Act, 2017) imposes a duty for everyone, including RECE’s where there are reasonable grounds to suspect one or more of the following in respect to a child:

- Physical harm
- Sexual harm
- Emotional harm
- Abandonment
- Acts of Criminal Nature
- At risk of harm due to exposure to Family Violence

The RECE’s at Elora Co-operative Preschool have a duty to report situations will make the report directly to the Child and Family Services.

**Confidentiality:**

The duty to report suspicions of child abuse overrides the provisions of confidentiality in any other stature, specifically those provisions that would otherwise prohibit disclosure by a professional or official. The only exception to this is solicitor/client privilege.

**Protection from Liability:**

All persons making a report of suspected child abuse are protected against civil action, unless that person is proven to have acted “...maliciously or without reasonable grounds for the belief or suspicion...”

**Reporting Procedures**

1. Document any observed incident, or physical injury that causes concern using the Suspected Child Abuse form.
2. If necessary, access immediate medical attention if a child has sustained injuries. Where injuries have been suspected to have been caused by child abuse, do not inform the parent of the intention to access

medical care for the child, until you have spoken with a Children's Aid worker and have been directed to do so.

3. It is required by law to report a belief that a child is, or may be in need of protection to Family and Children's Services. If unsure, a call should still be made to clarify if what is suspected should be reported or not.

4. It is required to make another report even if previous reports with respect to the same child have been made.

5. The responsibility for reporting will be with the individual employee, volunteer or student who observed the incident or injury.

6. A staff/student/volunteer who suspects abuse will not tell a parent/caregiver or child about the suspicion, the intention to report or that a report has been made until after consultation with a Children's Aid Society and confirmation that it would be appropriate to tell. Discussing any suspicions of child abuse with a parent/caregiver/child before consulting with a Children's Aid worker could jeopardize the child and/or contaminate the investigation.

7. No staff/student/volunteer or member(s) of the Board of Directors will advise someone not to report suspicions of child abuse, or to try to stop the person from reporting or consulting with a Children's Aid Society. There will be no sanctions or reprimands for anyone who consults/reports suspicions of child abuse. However, disciplinary action will result if there is an attempt to stop someone from following through on the legal duty to report.

#### SUSPECTED CHILD ABUSE FORM

CHILD'S NAME: \_\_\_\_\_ D/O/B: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

PARENT'S NAME: \_\_\_\_\_

ADDRESS (if different from above): \_\_\_\_\_

TELEPHONE NUMBERS: (h) \_\_\_\_\_ (work/cell) \_\_\_\_\_

NATURE OF ABUSE (DESCRIPTION OF SYMPTOMS/INJURIES):

PERSON WHO IDENTIFIED

ABUSE: \_\_\_\_\_ DATE: \_\_\_\_\_

ANY EXPLANATION PROVIDED BY CHILD AND/OR PARENT:

CAS CONTACT PERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

MINISTRY CONTACT PERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

WELLINGTON CCS CONTACT PERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

PRESIDENT OF ECP BOARD: \_\_\_\_\_

#### ALLEGATIONS OF ABUSE OF CHILDREN BY STAFF

It is the policy of the Elora Cooperative Preschool that abuse of children by employees, consulting staff or volunteers will not be tolerated. ECP is committed to ensuring that all children receive considerate, respectful and safe care at all times. Any reported abuse will be investigated immediately. It is the duty of all employees, consulting staff and volunteers to report evidence of violation of this policy. Any employee who witnesses abuse and/or neglect and fails to report the occurrence may be disciplined.

#### Definitions of Abuse

Abuse is defined as any act of commission or omission which results in harm to a child that includes, but is not restricted to physical, sexual or psychological abuse.

**Physical Abuse** – inflicting pain or discomfort. This includes, but is not limited to physical assault, rough handling and restraint, not in accordance with the Behavior Management Policy.

**Neglect** – includes denial of such necessities as nutrition and hydration, adequate clothing, personal items and hygiene.

**Sexual Abuse** – includes unwanted physical touching. Note: an essential part of providing care for young children is holding, hugging and otherwise positively touching them. Children will only be touched when it makes them feel good, and left alone when they prefer, or ask not to be touched. Caregivers of young children must understand that they must never touch children for their own gratification.

**Verbal Abuse** – consists of harsh, degrading or harassing remarks. Tone of voice or manner can be psychologically abusive even though the choice of words is not. Staff members are to exercise discretion in the use of pet or nicknames since some may be objectionable to the child or parent.

**DemEANing Behavior** – acts of commission or omission, which disregard a child's right or diminish their dignity through coercion, ridicule, comparison or insensitivity (eg. food or personal items being restricted.)

#### Procedure for Reporting Suspected Abuse Against Child by staff or volunteer

It is the policy of Elora Cooperative Preschool that all incidents of suspected child abuse be reported and responded to expeditiously. In all cases of suspected child maltreatment, the child's well-being should be the most important consideration. Alleged abuse will result in the interruption of contact between the staff member and child by either a change in work assignment or absence from work with no loss of pay while the allegation is being investigated. All suspected cases of abuse by a staff member brought

forth by a parent or caregiver requires that the parent or caregiver with the complaint must personally and directly contact Family and Child Services of Guelph and Wellington County.

When the Board of Directors become aware of the accusations then a Serious Occurrence report will be made and completed and submitted within the specified time frame.

Proven abuse and/or neglect of a child by a staff member will result in disciplinary action up to and including termination.

Proven abuse and or/neglect of a child by a consulting staff or volunteer will result in dismissal from their position.

### **When a parent or staff member files a report of suspected child abuse or neglect**

1. The Board of Directors will cooperate fully with any investigation, and respond quickly to requests for factual information.
2. A change in work assignment for the accused will be provided (or an absence of work with pay) while the allegation is being investigated.
3. The Board of Directors will follow our Serious Occurrence Policy.
4. If required, the President will handle any media requests for information.
5. The Board of Directors will contact an attorney and keep him/her apprised of the situation.
6. When necessary, corrective action should be taken to reduce the possibility of an incident reoccurring.
7. The accused staff member should be encouraged to seek legal counsel and counseling (if appropriate).

Once the investigations conducted by the program and the authorities are completed, the results may clearly indicate that maltreatment occurred, may vindicate the staff member, or may be inconclusive.

If the investigation clearly indicates that maltreatment occurred, the Centre will implement disciplinary action up to, and including termination of employment based on the incident.

If the results are inconclusive, the Centre will make a judgment based on the child's well-being, the concerns of parents and other staff, and the Center's future liability if allegations are made in the future.

If the staff member is cleared of any wrongdoings, the Centre will need to support the individual as he/she returns to work with the children and families