Child Abuse Prevention Policy and Procedures

Reviewed: June 6, 2017, March 18, 2020, October 18, 2021, November 26, 2026
Reference: Child and Youth Family Services Act 2017
Board Approved: June 22, 2017

(Thanks, and acknowledgement to the **Toronto Child Abuse Centre** for the use and adaptation of Module 8 Sample Policies and Procedures with Respect to Child Abuse, from *Making a Difference: The Child Care Community Response to Child Abuse*)

Purpose

Orde Day Care is committed to taking a pro-active position regarding the prevention of child abuse through:

- ongoing observation of the children in our care
- professional education with respect to early identification, effective response and adherence to legal obligations, including reporting
- keeping abreast of developments in legislation and relevant issues
- communication and support of the child and family
- working with other community service providers

The following policies and procedures are designed to make staff/students/volunteers aware of their responsibilities for the recognition, documentation and reporting of suspicions of child abuse and or neglect, and of the role of the centre in supporting children and families when child abuse or neglect may have occurred. All staff are required to review and sign off on the policy and procedures annually.

Legal Requirements

The Child and Family Services Act (Section 72)

Duty to Report

Under section 125 of the Child, Youth and Family Services Act every person who has reasonable grounds to suspect that a child is or may be in need of protection must promptly report the suspicion and the information upon which it is based to a Children's Aid Society. This includes persons who perform professional or official duties with respect to children, such as health care workers, teachers, operators or employees of child care programs or centres, police and lawyers.

Failure to Report

It is an offence under the *Child and Family Services Act* for a professional to contravene one's reporting responsibilities. The penalty imposed (a fine of up to $1,000) emphasizes that a child's safety must take precedence over all other concerns .

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. Any staff/student/volunteer who suspects that a child has been abused or is at risk for abuse must immediately call a Child Protection Agency. **The person who suspects the abuse must call themselves - do not ask anyone else to help you decide if a report should be made or to make the report for you. Do not discuss your suspicions with anyone else until you have spoken with a Children Protection worker.** Only afterwards should you inform the Director and/or Supervisor that you have done so.

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 suspected abuser/parent/staff of the intention to access medical care for the child, until you have spoken with a Child Protection worker and have been directed to do so.

3. If there are any concerns or doubts regarding making a report of suspected abuse the staff/ student/volunteer will be encouraged by the Director and/or Supervisor to consult with a worker from a Children's Aid Society. If the allegation is against another child in the centre, the Director and/or Supervisor will consult with a Child Protection Agency as to how to best protect, supervise, and support the alleged victim, abuser and other children.

4. It is the responsibility of the person who suspects child abuse to follow through on the report to the Child Protection Agency, and the Director and/or Supervisor will provide support and direction. When making the report, give your name, the name of the centre, your position and phone number to the Child Protection worker. Ask and record the name of the Child Protection worker you are reporting to.

5. No staff/student/volunteer or member(s) of the Board of Directors will advise someone not to report suspicions of child abuse, or try to stop the person from reporting or consulting with a Child Protection Agency. 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.

6. If a staff/student/volunteer has any further suspicions of abuse or new information with respect to a child, s/he must immediately make another report to the appropriate Children Protection Agency, regardless of any previous reports.

7. Information considered confidential cannot be kept in confidence if it is related to a suspicion of child abuse - all staff/ students/volunteers must follow through on the legal duty to report.

Making a Report of Suspected Child Abuse

Suspicions of child abuse must be reported "forthwith" (i.e., immediately) to a Child Protection Agency. If the child's religious affiliation is known, the report can be made directly to the society of the appropriate religious affiliation.

- Children's Aid Society -Catholic Children's Aid Society
- Jewish Family and Child Service -Native Child and Family Services

If the child's religious or cultural affiliation is not known, or is neither Catholic, Jewish nor Native, the report can be made to a Children's Aid Society.

The telephone numbers of the Child Protection Agency and local police service are posted on the bulletin board in the Director and Supervisor's offices and in the staff room, on the Serious Occurrence reporting form.

A report to all Child Protection Agencies can be made any day, at any hour. However, if reporting after regular business hours, you will likely be required to leave a message, your name and return telephone number with an answering service. Indicate if your call is urgent. You will then need to wait for a return call from an afterhours protection worker. Leaving a message with an answering service is not considered a report - you must speak directly to a Child Protection worker. **If the staff/student/volunteer thinks the child is in immediate danger, do not wait to be called back - phone the police.**

Discussing the Situation with a Parent/Guardian

A staff/student/volunteer who suspects abuse will not tell a parent/guardian about child about the suspicion, the intention to report or that a report has been made until after consultation with a Child Protection Agency and confirmation that it would be appropriate to tell. Discussing any suspicions of child abuse with a parent/guardian/child before consulting with a Child Protection Agency could jeopardize the child and/or contaminate the investigation.

In situations where the cause of the child's injuries, the nature of the child's disclosure, or the behaviours observed are not clear, consult with a Child Protection Agency before speaking to a child/parent, to discuss the appropriateness of clarifying a situation and to obtain direction. If it is appropriate to clarify any information, this should be done in a non-threatening casual way. For example, asking a child "How did you get that bruise?" or asking a parent "Sharon said that you and she are going on a trip. "Where to?"

1. Use an interested and concerned tone of voice.
2. Avoid accusatory questions or statements.
3. Ask what happened, and how it happened, rather than why.
4. Ask open-ended questions.

If someone other than the parent/caregiver is the suspected abuser, consult with the Child Protection Agency as to who should notify the child's parent/caregiver. If it is decided that it is appropriate for the staff person to inform a parent(s) of the report, emphasize to the parent both the concerns for the child and the legal obligation to report suspicions of child abuse.

Documentation

In the event that a staff/student/volunteer suspects child abuse, a "Suspected Child Abuse Reporting Form" will be completed as **soon** as possible in the individual's handwriting, using pen **only.** Copies of this form are available in the Policy Binder. If applicable, this includes circling bruises/injuries on the body chart attached to the reporting form. Document only the facts - do not include how you are feeling about the incident, or personal thoughts about what might have happened.

- include the name(s) and phone number (s) of the individual(s) you spoke with at a Child Protection Agency and/or police service and any direction you were given
- **do not make a rough copy and then rewrite in good - the original recording of the facts is your documentation**
- if you make a mistake, do not use white-out, cross out and initial any errors, and then continue on
- sign and date the form
- this form is to be completed every time a staff/student/volunteer has reason to suspect that child abuse has occurred
- all documentation is to be forwarded to the Director to be kept in a secure and fireproof cabinet, separate from the child's general file. The envelope will be labelled "Confidential".
- Documentation with respect to suspicions of abuse is not to be release to anyone unless there is a warrant or subpoena to submit the records. Any request for release of records is to be forwarded to the Director/Designate, whom will determine the action to be taken, in consultation with legal counsel.

What to Report to a Child Protection Agency?

The staff/student/volunteer making a report of suspected child abuse to a Child Protection Agency may not have access to all the information listed below. If this is the case, do not conduct an investigation to search it out. Remember that it is imperative that the staff/student/volunteer reports the information to a Child Protection Agency as soon as possible.
The following is a list of information, if known that the staff should be prepared to provide to the Child Protection Agency in making a report of child abuse.

INFORMATION ABOUT THE CHILD(REN)

- identifying information (e.g. name and address of child, primary caregiver, and the child's religion)
- current whereabouts of the child/family
- present physical and/or emotional condition of the child
- any special vulnerability, medical conditions, and communication issues
- the name of the centre attended

CIRCUMSTANCES WHICH PROMPTED THE REPORT

- what was it that led to the report being made today
- what are the sources of the information for the report
- what are the details regarding concerns, or the incident which precipitated making the report today
- do you know of any other relevant incidents or have any other information
- what actions, if any, have you taken prior to reporting the matter to the Children's Aid Society

INFORMATION ABOUT THE CHILD'S FAMILY AND THE ALLEGED OFFENDER

- parents: Names, Address(es), Telephone Numbers,
- alleged Offender: Name, Date of Birth (if available)
- if not the parent: the alleged offender's relationship to the child, address, phone number,
- current whereabouts of the alleged offender
- does the alleged offender have access to the child, siblings, or other children
- what is the parents' awareness of/admission/reaction to the suspected abuse and the child's disclosure
- what is the language spoken by the parents, the alleged offender
- are there any cultural considerations

- any concerns for family members with respect to mental health, physical illness, substance abuse, weapons,
  and/or violence.
- names and addresses of extended family members and others who could be supportive to the child and family (if known)

OTHER INFORMATION

- who else has direct knowledge of the incident being reported
- who else may have observed the child, or other incidents
- who else knows this family well
- what other professionals or agencies may be involved with the child and family

Children's Aid Society Response

- An intake worker records the information you provide in your report and passes it onto a Child Protection Worker
- A Child Protection Agency will see if there is any record of the child, the family, staff member or the alleged abuser in the Child Protection System
- The Child Protection Agency will decide whether or not the child is in immediate danger
- The Child Protection Agency will decide whether or not to begin an investigation
- In some cases, a Child Protection Agency will contact the police to share information and a decision will be made whether or not police should investigate
- If necessary, a Child Protection Agency will arrange for the child to get medical attention

When a Children's Aid Society/Police Conduct an Investigation at the Centre

When child abuse has been reported, the investigative team consisting of the Child Protection Agency and Police may request permission from Orde Day Care to interview a child on the premises. All efforts will be made by staff to cooperate with the police/child protection worker in order for the investigation to be completed in such a way as to provide the least disruption to the day-to-day operations of the centre. Should the investigative team's request to interview the child at the centre be refused by the Director/ Supervisor/ Board of Director for any reason, the child may be apprehended (with or without a warrant) and removed from the centre.

1. If the authorities have told any staff/student/volunteer of the intention to come to the centre, the Director and/or Supervisor is to be notified immediately.

2. The Director and/or Supervisor will arrange for an appropriate private location for the interview to be conducted. When the authorities arrive, the Director and/or Supervisor will ask for identification upon their arrival.

3. If a Child Protection worker/police officer arrives unannounced, the Director and/or Supervisor will ask for identification and call his/her respective offices to confirm that s/he is a representative of a child protection/police service.

4. The police/child protection worker may determine that it would be in the best interests of the child to conduct an interview without the prior knowledge of, and without the child's parent(s)

present. All staff involved must respect this decision, and not speak to the parent(s) until further notice.

5. The Director and/or Supervisor will prearrange with the investigative team, if a support person from the centre can be present when the child is being interviewed. Any support person who agrees to attend the interview will be reminded by the Director and/or Supervisor, that they may be required to attend and testify in court proceedings related to the case.

6. If, after interviewing a child, the investigative team feels it is necessary to apprehend the child, the Director/Supervisor/staff/students/volunteers will cooperate. The Director and/ Supervisor will clarify with the investigative team who will be responsible for contacting the parent(s).

7. The Director and/or Supervisor will document the names of the investigative team, the date, time, how long the authorities were at the centre, and any relevant outcome. The documentation will be kept in a secure and fireproof cabinet, separate from the child's general file.

When a Children's Aid Agency/Police Conduct an Investigative Telephone Inquiry

A staff person may receive a call from a Child Protection Agency and/or police officer who telephones the centre to gather information with respect to the protection of a child, that staff person will follow the steps outlined below.

1. Ask the person on the telephone for his/her full name, telephone number and the name of the Agency that s/he represents.

2. In order to ensure that the person calling is a Child Protection Worker/Police Officer, staff are advised to check that the telephone display indicates the phone number is generated from a Child Protection Office

3. A staff person may answer questions posed by a Child Protection Worker/Police Officer and provide information over the telephone, as long as the information is related to suspicions of abuse and the protection of the child.

4. The staff person is to immediately inform the Director/Designate that a telephone conversation has occurred between the staff and the Child Protection Worker/Police Officer.

5. The staff person will document the telephone call, including date, time and length of the call, and the name of the Child Protection Worker/Police Officer. All documentation is to be forwarded to the Director/Designate to be kept in a secure and fire proof cabinet, separate from the child's general file.

Further Consultation with a Child Protection Agency

Further contact with a Child Protection Agency may be initiated by a supervisor/staff/student/volunteer in the following circumstances:

- a worker has not responded to the individual's initial call/message
- the individual believes that the concerns reported on behalf of the child have not been fully understood by the worker, and a **second** opinion from a supervisor at the Child Protection Agency is desired

- any further suspicions of abuse occur
- changes in the family situation or that of the alleged abuser are discovered
- the child or alleged abuser transfers out of the centre
- the child does not return to the centre when expected

The Director and/or Supervisor will be notified if a staff/student/volunteer re-contacts a Child Protection Agency. The person who re-contacted a Child Protection Agency is responsible to complete the documentation.

A Child Protection Agency may initiate contact with Orde Day Care for a family they are currently supporting.
Should a worker from the Child Protection Agency contact a staff/supervisor/director, the following procedure must be followed

- Child Protection Agency must send a written consent form signed by the parent to allow the staff/supervisor/director to speak with the worker prior to any discussion or sharing of information.
- Consent forms signed by families/parents must be kept in a sealed envelope in the child's file.
- Discussion with the Child Protection Agency must be kept confidential, to respect the rights of the children and individuals involved**.**

Students on Placement at the Centre

When a student is on placement at the Orde Day Care, s/he is expected to follow the centre's *Policies and Procedures Regarding Child Abuse*.

Policy Implementation

Before commencing employment/placement/volunteering, staff/students/volunteers will be asked to sign a form stating that all the policies and procedures with respect to child abuse have been read understood and will be followed. Updated policies and procedures will be brought to the attention of all staff/students/volunteers for their advisement and signature.

Policy Review

The policies and procedures with respect to child abuse will be reviewed annually by the Director/ Supervisor, and updated accordingly. Annual review of this policy will be undertaken by all staff, students and volunteers.

Things to Remember During Disclosure

During disclosing do:

- stay calm and tell the child:
- "I'm glad you told me - you did the right thing."
- "It's not your fault."
- "You're not alone."
- "I have to tell some people that this has happened. They'll want to ask you some questions. They can help to make sure you're safe." (Remember, you can acknowledge how the child feels about this but you cannot give her/him a choice about this.)

During disclosing don't:

- press for details, your job is only to suspect that abuse is occurring.

Afterwards:

- talk to a colleague or someone you trust about your feelings
- disclosures are never easy to handle
- you'll need support too. Feel free to call the C.A.S. to find out status of situation, actions taken, etc, or to give further information
- keep the doors of communication open with the abused child - they will need ongoing support.

Don't:

- identify the "abused child" to other staff (Respect the child's right to privacy)
- delay in making a report

Remember if you suspect a child has been abused in any way, you are legally responsible for ensuring that a report is made to the appropriate Child Protection Agency.

Allegations of Abuse Against a Staff, Student or Volunteer

The Child Care and Early Years Act:

The *Child Care and Early Years Act* requires that Prohibitive Policies and Procedures are in place. The Promoting Positive Interactions and Program Statement Monitoring and Implementation Policy and Procedure of Orde Day Care clearly outlines these prohibitive practices.
It is also a requirement under this legislation that if a staff, student or volunteer is suspected of abusing a child that it reported to a Child Protection Agency. **The Ministry Education must be notified through the Child Care Licensing System within 24 hours and a Serious Occurrence report submitted.**

If a Staff/Student/Volunteer is Suspected of Child Abuse

1. If a staff/student/volunteer/parent/ suspects another caregiver in the centre of abusing a child(ren) in care, s/he should inform the Director and/or Supervisor of the intention to call a Child Protection Agency, but only if the suspected abuser is not the Director or Supervisor. The staff must inform the Director or Supervisor once the call has been made to ensure the procedure is being followed.

2. If the allegations are made by a parent/family member, inform the parent/family member of their duty to report to Child Protection Agency, and the Director and/or Supervisor's obligation to also speak with a child protection worker. The staff person with whom the parent/family member spoke with will immediately inform the Director and/or Supervisor of the parent/family member's allegation.

3. If the staff person suspected of abuse is the Director, then the Chair of the Board should be informed.

4. The staff/student/volunteer making the allegation will follow the reporting procedure outlined above and will complete the necessary documentation.

5. The person suspected of abuse will not be told by anyone about the suspicion, the intention to report or that a report has been made until after the Director and/or Supervisor has consulted with a Child Protection Agency for direction.

6. No internal investigation is to occur until authorities have been contacted- authorities will determine if an investigation will take place, or direct the centre to conduct their own investigation.

7. The Director and/or Supervisor will consult with a child protection worker as to what, if anything, should be done to protect a child(ren) at the centre from further contact from the alleged abuser.

8. The Director and/or Supervisor will immediately notify the Chair of the Board of Directors, who in consultation with the Director and/- Supervisor, Child Protection Agency and legal counsel will determine what action, if any, will be taken with respect to the suspected person's job responsibilities. which can include immediate suspension, or reassignment of duties while the investigation is undertaken.

9. The CUPE national representative will be informed of the suspension of full time or part-time staff.

10. If a student or volunteer is suspected of abuse or neglect, their placement or volunteer experience will cease immediately.

Mandatory Employer Report

Employers must report to the College when the employment of a registered early childhood educator (RECE) is terminated, suspended or restrictions have been placed on their duties for reasons of professional misconduct or if the RECE resigns under these circumstances.

Employers must report to the College when they become aware that a RECE who is a current or former employee is charged or convicted of an offense involving sexual conduct and minors or an offence that, in the employer's opinion, indicates that a child may be at risk of harm or injury. Employers must also report any conduct by a RECE that they believe should be reviewed by a committee of the College. College committees address issues related to professional misconduct, incompetence or incapacity.

Employer Obligations

1. Upon filing a Mandatory Employer Report, the employer must provide a copy of the report to the RECE who is the subject of the report. The employer must also provide any information it has regarding the professional misconduct to the College within 30 days of filing the report

2. The Director will immediately contact the centre's insurance company when abuse by a staff member is suspected.

3. The Director/- Supervisor will meet with the suspected person, and their union steward if they wish; to discuss the allegation and any procedures for a change in duties, responsibilities, etc. If advised to interview staff and students, all matters will be discussed in confidence, and all individuals are held accountable to the Orde Day Care confidentiality policy. All interviews will be documented and notes will be stored in a safe and secure manner.

Anonymous calls alleging abuse of staff/student/supervisor /director

Anonymous calls alleging abuse of staff/student/supervisor/director received by a Child Protection Agency **which are not being investigated** by the agency are communicated to Orde Day Care to undertake an internal investigation will proceed in the following manner;

1. The Director/ Supervisor will inform and interview the suspected person regarding the allegation.
2. The Director/Supervisor will also interview staff and students, who may have been witnessed to the incident, **without identifying** the individual who has been suspected.
3. Staff/students will also be reminded of their duty to report allegations of abuse to Child Protection Agency and inform the Supervisor/Director once a call of this nature has been made.
4. If the abuse is confirmed by other witnesses documented testimony, the Director/ Supervisor will contact Child Protection Agency, Legal and Board of Directors for further direction.
5. If the Supervisor/Director is the suspect of the alleged abuse the Board of Directors would undertake the investigation and subsequent revision of duties. A designate of the Board of Directors will provide a copy of any written decisions to the suspected person and retain a copy on file in a secured location.
6. The Director/ Supervisor will follow-up with a written confirmation of any decisions and the reasons for such, a copy of which is to be given to the suspected person, and a copy retained on file in a secured location. The Director/- Supervisor will update the Serious Occurrence Log once the investigation has been completed.

Confidentiality and Disclosure of Information to Others

Any information related to a suspicion or report of child abuse is confidential between the person directly involved, the person making the report and a Child Protection Agency. The Director/ Supervisor, in consultation with a Child Protection Agency, will give direction regarding the appropriate sharing of information with staff/students/volunteers/the operator and/or a member(s) of the Board of Directors. Discussing any information with others related to a situation of suspected child abuse outside the designated individuals is a breach of confidentiality, and may leave you liable for slander.
In a case where a child has been apprehended by a Child Protection Agency, the Director/ Supervisor will speak to a worker to determine whether or not the child will return to the centre as scheduled. The Director/Supervisor will advise the staff, and determine the best way to explain the child's situation to the other children. This will be done in such a way as to balance the child's/family's right to confidentiality with the concerns of others in the centre.

Policy and Procedure Review:

This policy and procedure will be reviewed and signed off by all employees before commencing employment, upon introduction of a new policy, annually, and at any time changes are made.

I acknowledge receipt of Orde Day Care **Child Abuse Prevention Policy and Procedure.** I understand it is my responsibility to read, understand, and comply with the **Child Abuse Prevention Policy and**

Procedure. I understand that if I have questions, at any time, regarding the policy and procedure**,** I will consult with my immediate supervisor.

Please read the **Child Abuse Prevention Policy and Procedure** carefully to ensure that you understand the policy before signing this document.

Staff Name:	Supervisor Name:
Staff signature:	Supervisor Signature:
Date:	Date: