

Calls from Children's Aid Societies

Even if you are not a suspect, you might be questioned by CAS or a school board representative about a case of suspected abuse. You do not need representation under these circumstances, but you are free to call your local OECTA unit or the OECTA Provincial Office for advice.

Remember that you still have a duty to abide by Regulation 18(1)(b). Any negative comment made about a colleague to board officials or CAS must be copied to that colleague within three days.

In the event that a Children's Aid Society is investigating you on an allegation of abuse, it is imperative that you respond appropriately.

- 1. CONTACT** your local OECTA unit or the OECTA Provincial Office IMMEDIATELY.
(Provincial Office 1-800-268-7230)
- 2. DO NOT** provide any information or make any statements without first consulting with OECTA staff or legal counsel.
- 3.** This is the **ONLY** statement you should make: "I am willing to cooperate but I am unable to comment until I contact OECTA or any legal representative."

There are several resources available through OECTA to help you avoid or manage problem situations.

*On Thin Ice, booklet and video
Safety in Schools
Electronic Communications
Building Positive Relationships with Parents
Managing Stress*



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 facebook.com/OECTA  @OECTAProv

To learn more visit:
catholicteachers.ca

Reporting Abuse

TEACHERS AND THE CHILD, YOUTH AND FAMILY SERVICES ACT

Updated 2018



Child, Youth and Family Services Act, 2017 (CYFSA) governs the protection of children in our society. It defines "abuse" and outlines procedures for dealing with abuse. Importantly, the Act identifies the responsibilities of individuals and institutions that might encounter abused children – including teachers. The prime goal of the CYFSA is to "promote the best interests, protection and well being of children."

Teachers have a legal and moral duty to protect children and youth from harm, while under their care.

Your responsibilities under the CYFSA

A teacher must report concerns directly to their local Children's Aid Society when there are "reasonable grounds" to suspect a child has suffered abuse or is at risk of suffering abuse. (Section 125)

- Children's Aid Societies (CAS) are independent bodies established regionally across the province and regulated by the Ministry of Children and Youth Services. In addition to CAS, they may also go by another name, such as Catholic Children's Aid Society (CCAS), or Family and Children Services (F&CS).
- A list of all local CAS's across Ontario can be found on the website for the Ontario Association of Children's Aid Societies at oacas.org.



Counselling and
Member Services

Reporting abuse

The obligation to report is a personal one and cannot be delegated to another person. Teachers must report their concerns to their local CAS immediately upon ascertaining that there are reasonable grounds to suspect abuse. In many school boards there are protocols that have been established with the local child protection agencies. Tell your principal that you reported the incident, as required by most school board policies.

Furthermore, the duty to report is an ongoing duty. Where additional reasonable grounds arise to suspect abuse, teachers must report their suspicions in addition to any previous reports.

Teachers are advised to keep a record of the reasonable grounds for the report. It should include the date and time of the report and the name of the CAS worker to whom the report was made. Keep these notes in a safe place.

When making a report to the CAS, you are advised to provide your school name, address, and telephone number. Home information is not required. However, be advised that anonymity is not guaranteed.

There are no exceptions to your duty to report. This includes any adults suspected of abuse (parents, guardians, school staff, community, etc.). Teachers have a professional duty to report all suspected cases of abuse even when information is supposed to be confidential or privileged, or if the information was overheard and not obtained directly. Teachers should be aware that the only exception to privileged information is the relationship between a solicitor and client.

Failure to report suspected abuse is an offence under the CYFSA. Conviction for such an offence could result in a fine of up to \$5,000. Additionally, failure to report may lead to a finding of professional misconduct by the Ontario College of Teachers.

Once a report is made there will be an investigation by the CAS, the exact process of which will depend on the protocol of the particular CAS. The police may be called and the school board may also initiate its own investigation. You may be contacted to testify.

How is a "child" or "youth" defined?

A child is a person younger than age 18. It is mandatory to report suspected abuse of a child aged 15 and younger. It is not mandatory to report youths aged 16 or 17, however a report can and should be made if abuse is suspected. While not mandatory to report for a youth aged 16 or 17, you are advised to err on the side of caution and report to the CAS, leaving it to them to determine whether they need to investigate.

What constitutes "reasonable grounds"?

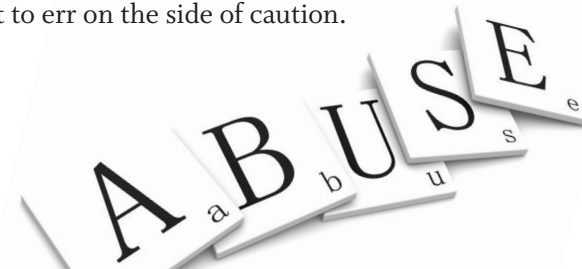
There are few absolutes. Obviously, physical injuries or a child coming forward with a complaint of abuse must be reported. However, with cases that are not as clear, the assessment of "reasonable grounds" rests in the mind of the beholder.

Important questions to ask include: "Do I think it is probable that there is abuse?" and "Is there some discernible or tangible evidence based on factors I observed during contact with the student?"

Intuition or supposition are not reasonable grounds.

While it is not necessary to conduct your own investigation, you remain obligated to determine whether there are reasonable grounds to suspect abuse or that a child is at risk. The Children's Aid Society conducts the investigation and ultimately determines whether abuse has occurred.

In cases where you are unsure, discussion with a professional colleague and/or administration can assist in making your decision to report. Use your professional judgment – you do not want to overreact, but it is always best to err on the side of caution.



What constitutes abuse?

In addition to circumstances where there is a pattern of neglect in caring for, providing for, supervising, or protecting the child, a child suffers abuse in any of the following circumstances:

- The child has suffered physical harm either inflicted by the person having charge of the child or caused by the person's failure to adequately care for, provide for, supervise, or protect the child.
- The child has been sexually molested or sexually exploited by another person where the person having charge knows or should have known of the possibility of the harm, or fails to protect the child.
- The child requires medical treatment to cure, prevent, or alleviate physical harm or suffering, and the child's parent or the person having charge of the child does not provide or is unable to provide services or treatment to remedy or alleviate the harm.
- The child has suffered emotional harm demonstrated by serious anxiety, serious depression, serious withdrawal, serious self-destruction, aggressive behaviour, or delayed development. The parent or person having charge of the child does not provide, refuses to provide, is unavailable to provide, or is unable to provide services or treatment to remedy or alleviate the harm.
- The child suffers from mental, emotional, or developmental conditions that, if not remedied, could seriously impair the child's development and the child's parent or person having charge of the child does not provide, refuses to provide, is unavailable to provide, or is unable to provide services or treatment to remedy or alleviate the harm.

What if I suspect a colleague of abuse?

The *Child, Youth and Family Services Act* takes precedence over other legislation, including the *Teaching Profession Act* and its regulations. If you suspect a colleague of abuse of a student, you are obligated to report the abuse to your local CAS.

Under regulation 18(1)(b) of the *Teaching Profession Act*, you are also obligated to provide the colleague with a written copy of the report. In all cases where members report their suspicions of abuse of a child by another member, they are advised to contact their local OECTA unit office or OECTA provincial office for advice and direction in regard to compliance with 18(1)(b), as well as other issues.

However, if the suspected abuse is sexual in nature, Regulation 18 (1)(b) does NOT apply. Regulation 18 (1) (c) of the *Teaching Profession Act* notes that a member who makes an adverse report about another member regarding suspected sexual abuse of a student need NOT provide the other member with a copy of the report, or any information about the report.

What happens if a report of suspected abuse proves to be untrue?

No legal action can be taken against any person who reports his/her concerns to a Children's Aid Society, provided there are reasonable grounds to believe the child is in need of protection and the person making the report is not acting maliciously.

If threatened by an alleged abuser, tell them you reported your suspicions as required by law. If the threat persists, inform the administration and contact your local OECTA unit or the OECTA Provincial Office.