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Policies and Procedures Regarding Child Abuse

Purpose of the Policies and Procedures

The Creative Preschool of East Toronto 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; and
- Working with other community service providers.

The following policies and procedures are designed to make staff/students/volunteers/board members aware of their responsibilities for the recognition, documentation and reporting of suspicions of child abuse.

Legal Requirements

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 and Family Services Act*, 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.

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 statute, 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..."

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The *Day Nurseries Act*:

The *Day Nurseries Act* requires behaviour management policies and procedures to be in place, which can be found in the CPS Family Handbook and the Procedures Binder in the office. It is also a requirement under this legislation, that if a staff person is suspected of abusing a child, the City of Toronto Children's Services will be notified within 24 hours (416) 397-7359, after hours' pager (416) 540-3725. Within 7 days, a Serious Occurrence Inquiry Report will be submitted to MCSS by Fax # (416) 327-0044 Attention: Joyce D'Souza, Ministry Serious Occurrence Specialist. The specifics regarding how to handle serious occurrences is found in the Procedures Binder in the office.

Reporting Procedures

1. Any staff/student/volunteer who suspects that a child has been abused or is at risk for abuse should immediately call a Children's Aid Society (CAS). The person who suspects the abuse must call him/herself – 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's Aid Worker. The staff/student/volunteer may then inform the supervisor that a call has been made.
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. If there are any concerns or doubts regarding making a report of suspected abuse, the staff/student/volunteer will be encouraged by the supervisor to consult with a worker from a Children's Aid Society. If the allegation is against another child in the centre, the supervisor will consult with a Children's Aid worker as to how to best protect, supervise and support both the alleged victim and abuser, and other children.
4. It is the responsibility of the person who suspects child abuse to follow through on the report to the Children's Aid Society, and the supervisor will provide support and direction. When making the report, give your name, the centre name, your position and phone number to the Children's Aid worker.
5. 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.
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's Aid Society, 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 Children's Aid Society. 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

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If the child's religious or cultural affiliation is not known, or is not Catholic, Jewish or Native, the report can be made to a Children's Aid Society.

The telephone numbers of each Children's Aid Society (416) 924-4646 and local police service (416) 808-2222 non-emergency or 911 for emergency, are posted near each phone and on the bulletin board in the office.

A report to all Children's Aid Societies 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 after hours protection worker. Leaving a message with an answering service is not considered a report – you must speak directly to a Children's Aid 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/Caregiver:

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.

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 Children's Aid worker 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 Children's Aid Society 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 concern 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 Procedures in the office. 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 Children's Aid Society 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.

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- 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 supervisor to be kept in a secure and fireproof cabinet, separate from the child's general file.

What to Report to a Children's Aid Society

The staff/student/volunteer making a report of suspected child abuse to a Children's Aid society 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, it is imperative that the staff/student/volunteer report the information to a Children's Aid Society as soon as possible.

The following is a list of information, if known, that the staff should be prepared to provide to the Children's Aid Society in making a report of child abuse.

Information About the Child(ren):

- Identifying information (e.g. name and address of child, primary caregiver, the child's religion).
- Current whereabouts of the child/family.
- Present physical and/or emotional condition of the child.
- Any special vulnerabilities, medical conditions, 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, Dates of Birth, Address(es), Telephone Numbers, Places of Work.
- Alleged Offender: Name, Date of Birth. If not the parent: the alleged offender's relationship to the child, address, phone number, place of work.
- 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?

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- Are there any cultural considerations?
- The name of the child's/family's physician.
- 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.

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?

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 supervisor of the intention to call a Children's Aid Society. If the allegations are made by a parent, inform the parent of his/her duty to report to a Children's Aid Society, and the supervisor's obligation to also speak with a child protection worker.

The staff person with whom the parent spoke will immediately inform the supervisor of the parent's allegation. If the staff person suspected of abuse is the supervisor, then the President of the Board should be informed.

2. The staff/student/volunteer making the allegation will follow the reporting procedure outlined above and will complete the necessary documentation.
3. 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 supervisor has consulted with a Children's Aid worker for direction.
4. The 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.
5. The supervisor will notify a program adviser at the City of Toronto Children's Services (416) 397-7359, after hours pager (416) 540-3725 within 24 hours of the occurrence. Use Initial Notification Report for making verbal report and keep report on file at school. A Serious Occurrence Inquiry Report will be sent to MCSS, Fax 416-327-0044, Joyce D'Souza, Ministry Serious Occurrence Specialist, within 7 working days.
6. The supervisor will immediately notify the President of the Board of Directors, who in consultation with the supervisor, Children's Aid Society and legal counsel will determine what action, if any, will be taken with respect to the suspected person's job responsibilities.
7. The operator will immediately contact the centre's insurance company when abuse by a staff member is suspected.

8. The supervisor will meet with the suspected person to discuss any procedures for a change in duties, responsibilities, etc. The 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.

When the Children's Aid Society/Police Conduct an Investigation in the Centre:

When child abuse has been reported, the investigative team may request permission from The Creative Preschool 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 supervisor or member of the Board of Directors 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 supervisor is to be notified immediately.
2. The supervisor will arrange for an appropriate private location for the interview to be conducted. When the authorities arrive, the supervisor will ask for identification upon their arrival.
3. If a Children's Aid worker/police officer arrives unannounced, the 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 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 supervisor that s/he 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 supervisor/staff/students/volunteers will cooperate. The supervisor will clarify with the investigative team who will be responsible for contacting the parent(s).
7. The 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 the Children's Aid Society/Police Conduct an Investigative Telephone Inquiry

Should a staff member receive a call from a child protection worker and/or police officer who telephone The Creative Preschool 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 name of the agency that s/he represents.
2. In order to ensure that the person calling is a child protection worker/police officer, the staff member will inform the person calling that s/he will be called backed immediately.

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3. The staff member will immediately call the person back, confirming that the telephone number is that of a Children's Aid Society and/or Police Division, and that the individual inquiring about a child is a representative of said agency.
4. A staff member 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 child abuse and the protection of the child.**
5. The staff member is to immediately inform the supervisor of any telephone conversations that have occurred between the staff member and a child protection worker/police officer.
6. The staff member will document the telephone call, including the 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 supervisor to be kept in a secure and fireproof cabinet, separate from the child's general file.

Further Consultation with a Children's Aid Society

Further contact with a Children's Aid Society 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 Children's Aid Society 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; and/or
- The child does not return to the centre when expected.

The supervisor will be notified if a staff/student/volunteer re-contacts a Children's Aid Society. The person who re-contacted a Children's Aid Society is responsible to complete the documentation.

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 Children's Aid Society. The supervisor, in consultation with a Children's Aid Society, 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 Children's Aid Society, the supervisor will speak to a worker to determine whether or not the child will return to the centre as scheduled. The 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.

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Students on Placement at the Centre

When a student is on placement at The Creative Preschool, 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 supervisor, and updated accordingly.

Updated: September 2009

Suspected Child Abuse Reporting Form

Name of the child: _____ Date & time of observation: _____

Describe fully the incident, situation, statement, or behavioural and/or physical indicators of abuse including dates and times.

Describe fully, using the child's words, the interaction between the child and the person to whom the child disclosed.

Describe fully the physical condition of the child, including injuries, burns, welts, and/or signs of illness. Where appropriate, circle bruises or other injuries on the attached Body Chart.

Describe fully the emotional condition of the child, including any behavioural problems, and the child's response upon disclosure. Are there any noticeable changes in the child's behaviour patterns?

If known, describe fully the risks of further abuse to the child, including the access of the alleged abuser to the child.

Describe fully the action taken on behalf of the child, including any advice/instructions from a Children's Aid Society.

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Date & time reported to Children's Aid Society: _____

Outcome of call:

Worker's name: _____

Phone number: _____

Signature of person completing this report: _____

Date & time documentation completed: _____

BODY CHART