



Child Abuse: Policies and Procedures

Passed by W.C.C. Board of Directors – March 2001

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WHAT IS CHILD ABUSE?

Generally, child abuse is categorized into four major conditions: neglect, physical, sexual and emotional abuse. Although these divisions may be useful in principle, staff must remember it is common for a child to suffer more than one form of abuse. For example, children who have been physically abused may also have been told that they are bad or stupid and that they deserve what they are getting, resulting in emotional consequences to the children.

Neglect: Neglect is the chronic inattention or omission on the part of the caregiver to provide for the basic emotional and/or physical needs of the child, including food, clothing, nutrition, adequate supervision, health, hygiene, safety, medical and psychological care and nurturance to foster their growth and development. The consequences of neglect can be very serious, particularly for young children. The child who does not receive adequate emotional, cognitive and physical stimulation, physical care and nutrition may experience lags in development. These lags in development may be irreversible.

Physical Abuse: Physical abuse includes all acts by a caregiver that result in physical harm to a child. Physical abuse may result from inappropriate or excessive discipline and in fact the caregiver may not have intended to hurt the child. This may involve minor injury (such as a bruise), to a more serious injury causing permanent damage or death, (e.g. shaken baby syndrome, female genital mutilation). Inappropriate punishment includes, but is not limited to anything that leaves a mark on the child, or the use of an object to strike a child. Although cultural factors may play a role in caring for and/or disciplining children, injuring a child is unacceptable.

Sexual Abuse: Sexual abuse occurs when a person uses his/her power over a child, and involves the child in a sexual act. The power of the abuser can lie in his/her age, intellectual or physical development, relationship of authority over the children, and/or the child's dependency on him/her. The sexual act is intended to gratify the needs of the abuser. 'Touching' is not the only criteria in defining sexual abuse. It includes acts such as: objects for vaginal/anal penetration, inappropriate sexual language, sexual harassment, voyeurism, exhibitionism, as well as exposing a child to, or involving a child in pornography or prostitution. The offender may engage the child in the sexual activity through threats, bribes, force, misrepresentation and other forms of coercion. Sexual abuse is often an ongoing pattern of progressively intrusive sexual interactions. Most of the time, the offender is someone well known to the child and trusted by the child/family.

Emotional Abuse: Emotional abuse is a pattern of overt rejecting, isolating, degrading, terrorizing, corrupting, exploiting, denying emotional responsiveness, and punishing a child's attempts to interact with the environment. The caregiver may use any of these

tactics in relating to and disciplining the child. Children who are exposed to violence in their home may suffer emotional damage.

The four types of abuse can occur at the hands of individual caregivers, or on a larger scale.

Institutional Abuse

Abusive and damaging acts can occur in institutional settings with responsibility for children if caregivers:

- do not supervise children adequately;
- use harmful methods of controlling children;
- use harsh disciplinary measures such as corporal punishment, isolation or withholding food;
- use excessive force when trying to deal with a child who is 'out of control'; or
- do not report the knowledge of any abusive behaviour toward children in the setting.

Societal Abuse

Acts of commission or omission on the part of society as a whole that result in children suffering, for example society's knowledge and acceptance of children living in poverty. Societal abuse can also be influenced by culture and economics, for example child labour.

PURPOSE OF THE POLICIES AND PROCEDURES

The Whitney Child Centre is committed to taking a pro-active position regarding the prevention of child abuse through:

- providing staff with a clear and consistent definition of all forms of child abuse;
- challenging staff to consider individual, institutional and societal forms of child abuse;
- helping sensitize staff to cultural considerations and how culture relates to child abuse in a Canadian context;
- distinguishing between discipline and punishment, and how this is reflected in the definition of child abuse;
- identifying high-risk caregiver behaviours;
- helping staff understand the causes of child abuse, including the individual and family dynamics and social stresses that can lead to child abuse;
- heightening awareness as to popular myths about child abuse, and to provide staff with correct information;
- on-going 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 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.

Legal Statutes

There are several provincial and federal statutes that pertain to child abuse. These include the *Child and Family Services Act*, the *Child Care and Early Years Act* and the *Criminal Code* of Canada. The *Child and Family Services Act* sets out the duty to report, the definition of a child 'in need of protection', the duties of a 'society', protection from liability, consequences for failing to report and offenses. The *Child Care and Early Years Act* requires behaviour guidance policies and procedures be in place. Reporting of any suspicion of abuse of a child by staff or other person must be reported as a serious occurrence. The *Criminal Code* of Canada sets out specific offenses against children.

The Child and Family Services Act , 2014 (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 she/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..."

The Child Care and Early Years Act, 2014

The *Child Care and Early Years Act* requires a program statement and behaviour guidance policies and procedures be in place and these can be found in the Whitney Child Centre Policy Binder and are reviewed annually. Child abuse is reported as a serious occurrence. Any ECE staff who are found to have abused a child will be reported to the College of Early Childhood Education.

REPORTING PROCEDURES

1. Any staff/student/volunteer who suspects that a child has been abused or is at risk for abuse should inform the Supervisor of their intention to immediately call a Children's Aid Society. 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.
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 the other children.
4. It is the responsibility of the person who suspects child abuse to follow through on the report to a 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, unless such report was made maliciously, or without reasonable grounds for the belief or suspicion. 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, she/he must immediately make another report to the appropriate Children's Aid Society, regardless of any other 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 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 416 924 4646
Catholic Children's Aid Society 416 395 1500
Jewish Family and Child Service 416 638 7800
Native Child and Family Services 416 928 2295

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

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 child is thought to be in immediate danger 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 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/caregiver 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. Use an interested and concerned tone of voice; avoid accusatory questions or statements; ask what happened and how it happened, rather than why; 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. If applicable, this includes circling bruises/injuries on the body chart attached to the 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 – 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 continue on.
- Sign and date the form. Place in an envelope, seal, sign and date. Documentation is to be forwarded to the supervisor to be kept in a secure file separate from the child's general file.

- This form is to be completed every time a staff/student/volunteer has reason to suspect that child abuse has occurred.

WHAT TO REPORT TO A CHILDREN'S AID SOCIETY

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. 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, report first.

Information about the Child/Children

- Identifying information – name and address of child, parent, primary caregiver, child's religion.
- Current whereabouts of the child and family.
- Present physical and or emotional condition of the child.
- Any special vulnerabilities, medical conditions, communication issues.
- The name of the child centre.

Circumstances Which Prompted 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?
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- 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, date of birth, address, 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 and 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 parent or alleged offender?
- Are there any cultural considerations?
- The name of the child's physician.
- Any concerns for family members with respect to mental health, physical illness, substance abuse, weapons and/or violence?
- Name and addresses of extended family members or 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

- If a staff/student/volunteer/parent suspects another caregiver in the centre of abusing a child(ren) in care, he/she 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 must be informed.
- The staff/student/volunteer making the allegation will follow the reporting procedure outlined above and will complete the necessary documentation.
- 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.
- The Supervisor will consult with a child protection worker as to what, if anything, should be done to protect a child/children at the centre from further contact from the alleged abuser.
- The Supervisor will report the incident as a serious occurrence.
- 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.
- The operator will immediately contact the Centre's insurance company when abuse by a staff member is suspected.
- The Supervisor and the President of the Board 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.

INVESTIGATION BY CHILDREN'S AID/POLICE AT THE CHILD CENTRE

When child abuse has been reported, the investigative team may request permission to interview a child on the premises. All efforts will be made by staff to co-operate with the child protection worker/police in order for the investigation to be completed in such a way 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 for any reason, the child may be apprehended (with or without a warrant) and removed from the centre.

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

- 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.
- If a Children's Aid worker/police arrive unannounced, the Supervisor will ask for identification and call his/her respective offices to verify their identification.
- 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.
- 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 he/she may be required to attend and testify in court proceedings related to the case.
- If, after interviewing a child, the investigative team feels it is necessary to apprehend the child, the Supervisor/staff/student/volunteer will co-operate. The Supervisor will clarify with the investigative team who will be responsible for contacting the parent(s).
- The Supervisor will document the names of the investigative team, the date, time, length of interview, how long the authorities were at the Centre, and any relevant outcome. The documentation will be kept in a secure file, separate from the child's general file.

INVESTIGATION BY CHILDREN'S AID/POLICE BY TELEPHONE

Should a staff member receive a call from a child protection worker and/or police officer who telephones to gather information with respect to the protection of a child, that staff member will follow the steps outlined below:

- Ask the person on the telephone for his/her full name, telephone number and name of the agency that she/he represents.
- In order to ensure that the person calling is a child protection worker/police officer, the staff member will inform the person calling that she/he will be called back immediately.
- 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.
- 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.
- 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.
- The staff member will document the telephone call, including the date, time and length of the phone call, and the name of the child protection worker/police officer. All documentation is sealed with staff signature and date on envelope and filed in a secure 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/volunteer/student 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 must be notified each time the Children's Aid Society or police are called. The person who re-contacted a Children's Aid Society or Police is responsible for completing 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 or with 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 with a worker to determine whether or not the child will return to the centre. 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 rights to confidentiality with the concerns of others in the centre.

POLICY REVIEW

Before commencing employment/placement/volunteering, staff/students/volunteers will be asked to sign a form stating that all the policies and procedures regarding child abuse have been read, understood and will be followed.