



## Umbrella Family and Child Centres of Hamilton

### 6.4 DUTY TO REPORT POLICY

MANUAL	Child Care Centre Program Policy Manual
SECTION	6- Emergencies
POLICY	6.4 Duty to Report Policy
LAST REVISED	June 19, 2024

#### RATIONALE

Professionals who work closely with children have a special responsibility and a duty to report suspicions of abuse, or neglect under both the CFSA and Early Childhood Educators Act. Every UFCC employee is bound by this duty to report.

UFCC will comply with all relevant legislation in regard to the safety of children and will offer resources and support to families.

Ontario's Child and Family Services Act (CFSA) is intended to promote the best interests, protection, and well-being of children. Local Children's Aid Societies (CAS) are responsible for providing these services in local areas.

#### RESPONSIBILITY

All staff, Board Members, volunteers and students on placement.

#### POLICY

##### Expectation

Any person who has reason to believe that a child may be in need of protection must report that suspicion and the information it is based on to the Children's Aid Society in accordance with Section 72 of the Child and Family Services Act (CFSA) 1990 which states that: *"the public, including professionals who work with children must promptly report any suspicions that a child may be in need of protection to a children's aid society (CAS)."*

##### Definitions

**Duty to report:** The responsibility of anyone who has reasonable grounds to believe that a child is in need of protection or is suffering from abuse and/or neglect.

**Ongoing duty to report:** An additional report is required when there is additional information and/ or reasonable grounds to suspect that the child is in need of protection, even though a report has already been made to the CAS.



*Child in need of protection:* A child who appears to be suffering from abuse including physical, sexual and emotional abuse, neglect and/ or risk of harm.

*Reasonable grounds:* The information that an average person, exercising normal and honest judgement, would need to decide to report. It is not necessary to be certain a child has been harmed.

*Confidentiality:* A professional working with children is obligated under the CFSA to report suspicions of child abuse and to share information with the CAS even if this includes information that would otherwise be kept confidential.

*Consultation with CAS:* There is an option to contact the CAS intake department and request a consultation to discuss concerns and determine if they are reportable. This is done without identifying the family or child. If the agency advises that the child is at risk or has been abused, identifying information must be provided and a formal report is made by the UFCC staff member, student, or volunteer.

### **Child and Family Services Act**

Section 72 (1) of the Child and Family Services Act (CFSA) states: Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall report forthwith the suspicion and the information on which it is based to a Children's Aid Society:

- The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's, (i) failure to adequately care for, provide for, supervise or protect the child, or (ii) pattern of neglect in caring for, providing for, supervising or protecting the child.
- There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's, (i) failure to adequately care for, provide for supervise or protect the child, or (ii) pattern of neglect in caring for, providing for, supervising, or protecting the child.
- The child has been sexually molested or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows, or should know, of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
- There is a risk that the child is likely to be sexually molested or sexually exploited as described in item #3 above.
- 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 refuses or is unavailable or unable to consent to, the treatment.
- The child has suffered emotional harm, demonstrated by serious (i) anxiety, (ii) depression, (iii) withdrawal, (iv) self-destructive or aggressive behaviour, or (v) delayed development, and there



are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

- The child has suffered emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv) or (v) of item 6 and the child's parent or the person having charge of the child does not provide or refuses or is unavailable or unable to consent to, services of treatment to remedy or alleviate the harm.
- There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv) or (v) of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
- There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph (i), (ii), (iii), (iv) or (v) of item #6 and that the child's parent or the person having charge of the child does not provide or refuses or is unavailable or unable to consent to, treatment to prevent the harm.
- The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
- The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
- The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide or refuses or is unavailable or unable to consent to, those services or treatment.
- The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

### Preparing to Call the CAS

It is helpful to have the following information prepared so that the focus can be on support for the child and family:

- Your identifying information (name, contact information and relationship to the child)
- The child's identifying information (name age, date of birth, sex, address and telephone number)
- Names and ages of siblings or other children living in the home
- Name and address of child's parent/caregiver and any other adults living in the home
- Community supports available to the family

All policies and procedures are reviewed regularly to reflect Umbrella's most current practice.



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### **Hamilton CAS Contact Information**

- **Children's Aid Society (CAS):** (905) 522-1121 (press 3 and ask for intake)
- **Catholic Children's Aid Society (CCAS):** 905-525-2012 (press 1 and ask for intake)  
\* Note: You can call either agency if you are unsure whether family is Catholic. The agency will follow up with the appropriate agency.
- **After hours line for both CAS and CCAS:** 905-522-8053
- **Child and Family Services Act: Duty to Report:** <https://www.ontario.ca/page/report-child-abuse-and-neglect>

### **PROCEDURE**

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Any staff member, board member, student on placement, or volunteer who suspects that a child is in need of protection will follow the steps set out in this procedure:

1. The staff member who first raised the suspicion must report it immediately to the appropriate Children's Aid Society (CAS or CCAS). It is recommended but not required that a staff member consult with a supervisor throughout the process. A supervisor cannot report on behalf of a staff member, nor can a supervisor prohibit a staff member from making a report. Volunteers and students will follow the staff member procedure.  
If possible, the report should be made early in the day so that the CAS can intervene while the child is at school or child care.
2. The staff member will complete a 'Child Protection: Suspicions of Harm or Misconduct Reporting Form' prior to calling the Children's Aid Society. This ensures that all relevant information is available at the time of the call. This form will be retained in a sealed envelope in the child's file for at least three years after the child's withdrawal from UFCC.  
The CAS worker may ask for information about individuals within the family as well as the child. Staff should be prepared with information about the family's support network, extended family or community members who may be potential supports for the child and family.  
The CAS is responsible to make the decision to notify the parent or guardian that a report has been made.
3. The staff member may be supported through this process by their supervisor. The CAS may require Staff members to document information or to consult regularly with the CAS worker. The Supervisor will ensure that all requests are met.
4. The CAS worker may want to interview the child and in some cases this process may also involve the police. A plan that supports the child through this process can be developed by the CAS worker, centre supervisor and reporting person prior to the interview. An adult familiar to the child may be asked to be present in the interview. This adult would take a passive role in the process.
5. The staff member will cooperate with any investigation required by the Children's Aid Society and will facilitate any meetings with the child as required. Staff members will take direction from the Children's Aid Society about sharing information with families including content and timing.



6. When the child returns to the child care program, the family will be invited to participate in a discussion to determine any additional support the child and family may require. The purpose of this meeting is also to build an open and trusting relationship with families.

### **Documenting Concerns**

When necessary, a confidential log will be created to document ongoing concerns. This cumulative information is valuable both to clarify your own perspective and can also be helpful in an investigation. Documentation may include:

- Symptoms of ill health, physical marks and bruises observed during daily health check, changes in behaviour
- Statements of concern made by the child or family
- Physical or behavioural changes
- Location, timing, and details around the disclosure of the concern
- Information regarding previous reports made to CAS

All documentation must be maintained in a locked cabinet and disposed in confidential waste or shredded.

Note: In the event a staff member serves as the accused, the serious occurrence policy will be followed. An internal investigation will take place when deemed appropriate by CAS. Should the employee be a member of the College of Early Childhood Educators, a report will be made and a copy of the Mandatory Employer Report will be provided to the accused.

**Policy Attachments:** N/A