



HAMILTON HEBREW ACADEMY

PROCEDURE MANUAL FOR ABUSE & MALTREATMENT REPORTING

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1. HHA Standards of Behaviour

At the HHA, we believe that behavior management must be exercised in such a way that the rights of the child are respected and the child's self-esteem is enhanced. The building blocks of co-operation between adults and children include:

- a. Respect for the child
- b. An atmosphere of trust and acceptance
- c. Age-appropriate expectations
- d. School-wide pro-social initiatives that include all members of the school community

The HHA standards of behaviour apply to all members of the school community, including students, parents, staff, visitors, volunteers, and students. All members must:

- a. Treat one another with dignity and respect at all times
- b. Respect the need of others to work in an environment that is conducive to learning and teaching;
- c. Respect and treat others fairly, regardless of race, colour, ethnicity, religion, religious observance, sexual orientation, gender identity, age, family status, or disability;
- d. Avoid all forms of harassment, intimidation, abusive and aggressive behaviour;
- e. Respect the personal space of others, and avoid any inappropriate touching;
- f. Prevent cyber-bullying, including harassment, denigration, masquerading, outing, and excluding;

2. Defining Mistreatment

The following actions will not be tolerated at the HHA:

- a) **Humiliation of a Child:** Harsh or degrading measures used on a child that deliberately humiliates or undermines a child's self-respect.
- b) **Deprivation of Basic Needs of a Child:** This includes deliberately depriving a child of food or proper clothing for weather conditions.
- c) **Confinement of a Child:** The seclusion of a child in a room separate from other children or adults to modify behaviour or as a consequence of misconduct.
- d) **Corporal Punishment of a Child:** Corporal punishment in any form, of a child by a staff person, student or volunteer.
- e) **Relationship-based Violence:** Any behaviour or action that is used to scare, harm, threaten, control, intimidate, or injure another person within an intimate relationship. The behaviour or action can be physical, sexual, or emotional, and it may comprise a single act of violence, regardless of the level of physical injury, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour.
- f) **Sexual Harassment:** Sexual harassment occurs when a person receives unwelcome sexual attention from another person whose comments or conduct is or should reasonably be known to be offensive, inappropriate, intimidating, hostile, and unwelcome. It also includes an environment in which sexist, racist or homophobic jokes and materials are allowed.

- g) **Sexual Assault:** Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. The term refers to a range of behaviours that involve the use of force or control over the victim. In some cases, no overt physical force is used; instead, the victim may be threatened with words, or pressured into doing something they do not want to do.

The HHA is committed to providing staff sensitivity training to help staff members identify all items behaviours listed above as well as define what is humiliating behaviour that undermines children's self-respect.

3. Defining Child Abuse and Neglect (a summary)

The Child and Family Services Act ("the Act") defines child abuse or neglect as one or more of the following:

- a) The child has suffered physical harm, inflicted by the person having charge of the child (custody) or caused by or resulting from that person's:
- Failure to adequately care for, provide for, supervise or protect the child, or
 - Pattern of neglect in caring for, providing for, supervising or protecting the child.
- b) There is a risk that the child is likely to suffer physical harm inflicted by the person having charge (custody) of the child or caused by or resulting from that person's,
- Failure to adequately care for, supervise or protect the child, or
 - Pattern of neglect in caring for providing for, supervising or protecting the child
- c) The child has been sexually molested or sexually exploited by the person having charge (custody) of the child or by another person where the person having charge (custody) of the child knows of the possibility of sexual molestation or sexual exploitation and fails to protect the child.
- d) There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph (c).
- e) The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge (custody) of the child does not provide, or refuses or is unavailable or unable to consent to the treatment.
- f) The child has suffered emotional harm, demonstrated by serious,
1. Anxiety,
 2. Depression,
 3. Withdrawal,
 4. Self-destructive or aggressive behaviour, or
 5. 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 (custody) of the child.

- g) The child has suffered emotional harm of the kind described in subparagraphs 1,2,3,4 or 5 of paragraph (f) and the child's parent or the person having charge (custody) of the child does not provide, or refuses, or is unavailable or unable to consent to services or treatment to remedy or alleviate the harm.

- h) There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraphs 1,2,3,4 or 5 of paragraph (f) resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge (custody) of the child.
- i) There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraphs 1,2,3,4 or 5 of paragraph (f) and that the child's parent or person having charge (custody) of the child does not provide, or refuses or is unavailable or unable to consent to services or treatment to prevent the harm.
- j) 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 person having charge (custody) of the child does not provide or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
- k) 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.
- l) 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 (custody) of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.
- m) 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 (custody) of the child or because of that person's failure or inability to supervise the child adequately.

4. Responsibilities of Professionals

- a) **Duty to Report:** If a person has reasonable grounds to suspect child abuse or neglect, one must immediately report the suspicion and the information upon which it is based to:
 1. Children's Aid Society (CAS)
 2. The Principal or Administrator.
- b) **Ongoing duty to report:** The duty to report is an ongoing obligation. If a person has made a previous report about a child and has additional reasonable grounds to suspect that a child is or may be in need of protection, that person must make a further report.
- c) **Report directly to the CAS:** The person who has reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to the CAS. The person must not rely on anyone else to report on his or her behalf. A report must also be issued to the Principal.
- d) **Reasonable grounds to suspect:** You do not need to be sure that a child is or may be in need of protection to make a report to the CAS. "Reasonable grounds" are what an average person, given his or her training, background and experience, exercising normal and honest judgment, would be. This can be discussed with the Principal.
- e) **Special responsibilities of professionals and officials:** Everyone has a duty to report a suspicion that a child is in need of protection. The Act recognizes, however, that persons working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions, and so makes it an offence to fail to report.

Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or official duties, is liable on conviction to a fine of up to \$1,000.

- f) **Reporting confidential information:** The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure. The professional must report that the child is or may be in need of protection even when the information is supposed to be confidential or privileged. Therefore you must report when you have reasonable grounds to suspect that a child is or may be in need of protection even if the information you are using was supposed to be confidential or privileged.
 - g) **Protection from liability:** If a civil action is brought against a person for making a report, that person will be protected unless he or she acted maliciously, or without reasonable grounds, for his or her suspicion.
5. **Role of CAS:** The agency has the responsibility and the authority to investigate allegations and to provide services to protect children. A CAS worker may, as part of the investigation and plan to protect the child, involve the police and other community agencies.
6. **Contacting CAS:** CAS has emergency service 24 hours a day to call at any time. The phone contact is 905.522.1121.
- a) A telephone call is the quickest and surest method of reporting a suspected case of abuse.
 - b) If calling after hours and you reach a telephone answering service, you must leave a telephone number so that the service can have a worker return the call.
 - c) A call to the police or an answering service does not constitute a report – the caller must make the report of suspected child abuse directly to a CAS staff person.

For a full definition please visit: <https://www.oacas.org/childrens-aid-child-protection/duty-to-report/>

7. School Reporting & Procedures:

- a) As detailed above, if a person has reasonable grounds to suspect child abuse or neglect, one must immediately report the suspicion and the information upon which it is based to CAS as detailed above.
- b) Staff members reporting mistreatment, abuse or neglect of a child or staff member must also report the incident to the Principal and complete an HHA Incident Report Form that is given to the Principal. The Principal will support the staff member in following the reporting process
- c) In the event that the report is about the conduct of the Principal, the Report should be submitted to the Dean. The Report includes:
 - The name and address of the child;
 - The name and address of the individual suspected of abuse;
 - The nature of the suspected abuse (e.g. all physical and behavioural indicators leading to the conclusion of suspicion, including remarks from any interviews);
 - The name, address, phone number, and professional title and duties of the person making the report;
 - Any contacts made with the relevant agencies or individuals (these people may be called upon at a later date);

- The date, time, name, and title of the person receiving the report
3. **Contravention of Policies and Procedures:** Any staff person, parent or volunteer who contravenes the abuse policies and procedures will be disciplined or appropriately reprimanded.
 4. Action taken will be the responsibility of the Principal.

For more information on the “Child, Youth and Family Services Act” please click here:
<https://www.ontario.ca/laws/statute/17c14#BK172>