

Toronto District School Board

Policy P045

Title: **DEALING WITH ABUSE AND NEGLECT OF STUDENTS**

Adopted: October 27, 1999
Effected: October 27, 1999
Revised: May 14, 2014; **[Insert New Date]**
Reviewed: **[Insert New Date]**
Authorization: Board of Trustees

1. RATIONALE

The Dealing with Abuse and Neglect of Students Policy (the “Policy”) responds to jury recommendations arising out of Coroner’s Inquests into the deaths of Jeffrey Baldwin and Katelynn Sampson.

The Policy supports the development and implementation of early identification and providing identity affirming/culturally responsive intervention strategies. These strategies centre around human rights supporting student, parents/caregivers/guardians, and parent/guardian identities, to prevent child abuse and neglect at the Toronto District School Board (TDSB). The Policy aims to educate school communities about their Duty to Report, incidents of suspected, witnessed, and/or disclosed neglect and abuse of children to the Children Aid Societies/Native Child and Family Services and to play a key role in providing a culturally safe, nurturing, positive learning and working environment.

This Policy is aligned with Katelynn’s Principle and Jordan’s Principle, TDSB’s Human Right Policy (P031), Caring and Safe Schools Policy (P051), the Gender-based Violence Policy (P071), and the Anti-Sex Trafficking Policy (P099).

The Human Rights Policy (P031) establishes the TDSB’s commitment to learn, function and work in an equitable, accessible, respectful and inclusive environment free of discrimination and harassment on the basis of the protected grounds of discrimination specified in the Policy and protected under the Ontario Human Rights Code. The grounds based on which discrimination is prohibited include age, ancestry, citizenship, colour, creed (religion and Indigenous spirituality), disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, socio-economic status, sex and sexual orientation.

The Policy is also aligned with governing legislation, including but not limited to, the *Human Rights Code*, the *Education Act*, the *Child, Youth, and Family Services Act, 2017*, Policy Program Memorandum (PPM) 9: Duty to Report Children in Need

of Protection, PPM 166: Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols, the *Accessibility for Ontarians with Disabilities Act, 2005*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Protecting Students Act*, the *Youth Criminal Justice Act* and the *Criminal Code of Canada*.

2. OBJECTIVE

- To promote human rights and to provide a culturally safe (in particular anti-oppressive and anti-racist), nurturing, positive, and respectful learning environment focused on preventing abuse and neglect for all students, including newcomer students.
- To educate all students about abuse and neglect.
- To train employees about abuse and neglect, including understanding how racial biases can further harm and/or stigmatize racialized and vulnerable students, including newcomer students, in particular Indigenous and Black students.
- To inform employees and volunteers working with students about their legal duty to report abuse and neglect - suspected, witnessed and/or disclosed.
- To address and provide identity affirming/culturally responsive support including settlements services which supporting newcomer students and connections to community agencies that are identity affirming/culturally responsive for the emotional and psychological needs of students, who have experienced abuse or neglect.
- To identify, develop and facilitate identity affirming/culturally responsive and relevant healing practices for all groups of students.

3. DEFINITIONS

Abuse and/or neglect refers to any form of maltreatment contemplated in the *Child, Youth and Family Services Act, 2017* and includes but is not limited to physical abuse, sexual abuse, emotional abuse (including verbal), exposure to family violence, and/or neglect.

Board refers to the Toronto District School Board, which is also referred to as the "TDSB".

Child refers to any person under the age of eighteen years. For the purposes of child protection services provided by a children's aid society and Native Child and Family Services, child now includes those aged 17 and under. As such, a person should call the police to report abuse or neglect of a 16- or 17-year child. The person

may also need to make a report to CAS if one or more of the following criteria is met:

- The child is a "child in extended society care" and/or "child in interim society care" of the CAS.
- If you suspect that the child is 'at risk of' and/or in need of protection from child sex trafficking.
- The child indicates that they are being supervised by the CAS;
- The abuse or neglect suspected, disclosed or witnessed has the potential to put a younger sibling under the age of 16 at risk of abuse or neglect;
- The abuse or neglect suspected, disclosed or witnessed concerns family violence and there are siblings under the age of 16 at the home.

Emotional Abuse refers to the pattern of overt rejecting, isolating, degrading, terrorizing, corrupting, exploiting, denying emotional responsiveness, and punishing a child's attempts to interact with the environment. The parent/guardian may use any of these tactics in relating to and disciplining a child. Children who are exposed to violence in their homes may suffer emotional harm.

Exposure to Family Violence refers to the witnessing or hearing violent acts or threats of physical, sexual, or emotional harm between intimate partners or family members. This may include direct involvement or experiencing any aftermath.

Katelynn's Principle, under the *Katelynn's Principle Act*, requires that any person making a decision in Ontario affecting children must place children at the centre of decisions affecting the child and this is to be applied to all services, policies, legislation and decision-making affecting children (Source: [Bill 57, Katelynn's Principle Act \(Decisions Affecting Children\), 2016 - Legislative Assembly of Ontario \(ola.org\)](#))

Jordan's Principle refers to the legal requirement to provide access to supports for Indigenous children in need and ensures that the government of first contact pays for the supports without delay. Funding can be for a wide range of health, social and educational needs (Source: [Jordan's Principle Information Sheet 2023 EN.pdf \(fncaringsociety.com\)](#))

Neglect refers to the chronic inattention or omission on the part of the parent/guardian 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 education.

Physical abuse refers to and includes all acts by a parent/guardian that result in physical harm to a child. Physical abuse may result from inappropriate or excessive discipline and in fact, the parent/guardian 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).

RBH Portal refers to the Racism, Bias and Hate Portal, an online system which enables detailed incident reporting on racism and hate incidents involving or impacting students in schools. It also provides a record of responses to such incidents, in the form of action plans and communication strategies, while allowing for the identification of any potential lessons learned, good/best practices, future preventative measures required, and any other systemic considerations.

Sexual Abuse refers to when a person uses their power over a child and involves the child in any sexual act. The power of the abuser can lie in their age, intellectual or physical development, relationship of authority over the child, and/or the child's dependency on them.

Sexually intrusive behaviour includes behaviour of a sexual nature that may put a child or children at risk of physical or emotional harm but is committed by a student under the age of 12. These include any behaviours for which a person might be charged under the *Criminal Code* if they were 12 years of age or older. Other sexually concerning behaviours include persistent sexually explicit talk or enactments, sex play between children of different ages or developmental levels, and the inability of a child to stop engaging in sexual behaviour.

Sexual Misconduct refers to a wrongdoing of a sexual nature that comprises a broad range of sexual behaviors, including any sexual act and/or act targeting an individual's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against an individual.

Sex trafficking refers to a form of sexual exploitation and is a crime under the *Criminal Code of Canada*. It can include recruiting, harbouring, transporting, obtaining or providing a person for the purpose of sex. It involves the use of force, physical or psychological coercion or deception. As identified within the *National Inquiry into Missing and Murdered Indigenous Women and Girls – Reclaiming Power and Place*, most individuals who are trafficked for the purpose of sexual exploitation are Indigenous women and girls, but all people may be targeted.

TDSB is the Toronto District School Board, which is also referred to as the "Board".

4. RESPONSIBILITY

The Director of Education holds primary responsibility for the implementation of this Policy.

Within the Director's Office, the responsibility for the coordination and day-to-day management of the Policy is assigned to the Associate Director, Student Learning and Equitable Outcomes.

5. APPLICATION AND SCOPE

This Policy applies to all students, employees, and Trustees of the Board.

The Policy also applies to parents/guardians, school council members, visitors, third party service providers, volunteers, permit holders, customers of the Board and other members of organizations while partaking in any activities that occur in Board premises or while engaging in Board or school related activities, either in-person or online.

Schools and school-related activities, such as extra-curricular activities, Board-sponsored sporting events and board-operated before- and after-school programs and excursions comprising the learning and working environment, fall within the scope of this Policy, as do Board offices and facilities (including eating, lounge/changing areas and vehicles used for work purposes or on work property). Conferences, workshops, training sessions and staff functions also fall within the scope of this Policy.

6. POLICY

PRINCIPLES

6.1. The TDSB recognizes the disproportionate impact child welfare and related institutions (e.g., children's aid societies) has had and continues to have on Indigenous, Black, racialized students, and newcomer students, and parents/caregivers/guardians and aligns itself with the following documents and Principles:

- *Jordan's Principle*
- *Truth and Reconciliation Commission of Canada: Calls to Action*
- *United Nations Declaration on the Rights of Indigenous Peoples (inclusive of First Nations, Métis and Inuit)*
- *National Inquiry into Missing and Murdered Indigenous Women and Girls –Reclaiming Power and Place*
- *The Ontario Human Rights Commission's Report - Interrupted Childhoods: Over-Representation of Indigenous and Black Children in Ontario's Child Welfare*
- *Katelynn's Principle*

6.2. The TDSB reaffirms the Human Rights Policy (P031), to report incidences of racism and hate involving students through the Racism, Bias, and Hate (RBH) Portal by a school administrator. For further reporting details on the RBH Portal, please see the Human Rights Policy (P031) and the Reporting

and Responding to Racism and Hate Incidents Involving or Impacting Students in Schools Procedure (PR728).

- 6.3. The TDSB will continue to provide ongoing training and make every effort to improve awareness related to the impact of discriminatory behaviours on students, including newcomer students, and parents/guardians/caregivers in child welfare.
- 6.4. The TDSB commits to newcomer students being provided with support and awareness of identity affirming and culturally responsive resources (e.g., school professional support staff, settlement workers and connections to culturally responsive community resources).
- 6.5. The Board will commit to upholding Katelynn's Principle and Jordan's Principle in services, policies, procedures and decision-making, affecting students at the TDSB.

DETECTING AND REPORTING ABUSE AND NEGLECT

- 6.6. As per the *Child, Youth and Family Services Act, 2017* EVERY person in Ontario, including a person who performs professional or official duties with respect to children must immediately report to a Children's Aid Society ("CAS") and/or Native Child and Family Services if they suspect that abuse or neglect has occurred or if a child is at risk of abuse or neglect. The CAS must also be notified when a child, 17 years and under, is at 'risk of' and in need of protection with concerns of child sex trafficking.
 - (a) All TDSB employees and volunteers must remain vigilant about abuse and neglect. An employee or volunteer who receives an abuse/neglect disclosure, or suspects and/or witnesses abuse or neglect, will immediately report to a CAS in accordance with and in compliance with the *Child, Youth, and Family Services Act, 2017*.
 - (b) All TDSB employees and volunteers must continue to remain vigilant about anti-racism practices and anti-oppression, in particular anti-Indigenous and anti-Black racism, and newcomer communities with awareness of the disproportionate impact of the child welfare system on Indigenous, Black, and newcomer children and their parents/caregivers/guardians.
 - (c) The Board is not to contact the parents/caregivers/guardians of the child unless advised by the CAS/Native Child and Family Services and/or the police.
- 6.7. The Board is not authorized to investigate regarding a suspicion or disclosure of abuse and/or neglect. It will be the responsibility of a CAS/Native Child and Family Services and/or police to investigate. In situations where the cause of child's injuries, the nature of the child's

disclosure, or the behaviours observed are not clear on whether there is a duty to report, the Board will consult with CAS/Native Child and Family Services to clarify the situation, obtain guidance, and discuss the appropriateness of reporting.

- 6.8. Where abuse or neglect has been reported, the TDSB will co-operate fully with the investigating agency and the Protocol for Joint Investigations of Child Physical and Sexual Abuse outlined in the Police-School Board Protocol (PR698 – Appendix E) will be followed, as applicable.
- 6.9. The dignity and legal rights to privacy of those involved by an abuse or neglect disclosure will be respected. Where appropriate, information may be shared with the greater school community in accordance with privacy and confidentiality as outlined in P094.

TRAINING AND AWARENESS

- 6.10. The Board will support victims of abuse and neglect through implementing protocols which:
 - (a) detail the availability of identity affirming/culturally responsive support services for Indigenous, Black, newcomer and all TDSB students and their parents/guardians/caregivers in collaboration with community partners and staff.
 - (b) implement ongoing learning on the impact of child welfare on Indigenous, Black, and newcomer students and all TDSB students and their parents/guardians/caregivers; building capacity and ongoing professional learning with staff and community partners.
- 6.11. The TDSB will educate all its students about their right to live without being subjected to abuse or neglect and will take measures to encourage and support the disclosure of abuse and neglect.
- 6.12. The TDSB will train all employees about the duty to report abuse and neglect including:
 - (a) the legal duty to report;
 - (b) special reporting obligations of teachers (e.g., Ontario College of Teachers) and other professionals;
 - (c) how to recognize the signs of child abuse and neglect;
 - (d) when, how, and to whom to report;
 - (e) how to manage the impact or effects of making a report.
- 6.13. The TDSB will provide information to volunteers about the legal duty to report abuse and neglect.

TRUTH AND RECONCILIATION COMMISSION: CALLS TO ACTION

- 6.14. The TDSB recognizes the importance of the Truth and Reconciliation Commission: Calls to Action regarding child welfare (Calls 1-5), and in providing identity affirming/culturally responsive supports to Indigenous students and their parents/caregivers/guardians.
- 6.15. The Board will uphold the *UN Declaration on the Rights of Indigenous Peoples (inclusive of First Nations, Métis and Inuit)*, the *National Inquiry into Missing and Murdered Indigenous Women and Girls – Reclaiming Power and Place*, and the *Truth and Reconciliation Commission of Canada: Calls to Action* involving cases of abuse and neglect incidents effecting Indigenous students and their parents/caregivers/guardians at the TDSB.

CHILD WELFARE AND IMPACTS ON BLACK STUDENTS AND THEIR PARENTS/ CAREGIVERS/GUARDIANS

- 6.16. The Board will incorporate the mandates of the TDSB's Centre of Excellence for Black Student Achievement when providing identity affirming/culturally responsive supports to Black students and their parents/caregivers/guardians dealing with abuse and neglect incidents.
- 6.17. The Board recognizes the impacts on Black students and their parents/caregivers/guardians as outlined within the Ontario Human Rights Commission's report - *Interrupted Childhoods: Over-Representation of Indigenous and Black Children in Ontario's Child Welfare* and Parents of Black Children report: *Call to Action – Systems Abuse of Black Student within Ontario's Education System*.

CHILD WELFARE AND IMPACTS ON NEWCOMER STUDENTS/FAMILIES

- 6.18. The Board recognizes the impacts of anti-oppression on newcomer students and their parents/caregivers/guardians. The TDSB recognizes the disparity and disproportionality affecting newcomer students within the child-welfare system. and commits to:

INSTITUTIONAL ACCOUNTABILITY

- 6.19. No employee or volunteer will subject a child or student to abuse or neglect.
- 6.20. In the case of students and former students under the age of 18, any sexual relationship on the part of an employee or volunteer, in addition to being a serious breach of Board policy, is also a criminal offence of sexual exploitation and/or sexual assault.
- 6.21. No employee or volunteer working or volunteering directly with a student of any age will enter into a sexual relationship with that student while the

student is enrolled in school or for a period of one year thereafter regardless of which school the student is enrolled in.

- 6.22. The Board will hold all employees accountable for the following:
- (A) Behaviour that leads to a CAS or Native Child and Family Services finding or criminal conviction for abuse or neglect of any child or student (whether or not the behaviour took place in the workplace)
 - (b) Behaviour that leads the Board to verify that the employee has abused or neglected any child or student (whether or not that behaviour took place in the workplace)
 - (c) Failure to complete the prescribed Board training on abuse and neglect.
 - (d) Failure to report abuse or neglect in accordance with the *Child, Youth, and Family Services Act, 2017*.
 - (e) Any other violation of this policy or related procedures.
- 6.23. If a TDSB employee is found or convicted of abusing a child or youth or if an internal investigation determines, on a balance of probabilities, that the employee abused a student, the employee will be subject to disciplinary action up to and including termination.
- 6.24. Any volunteer found to have abused or neglected a child or youth will no longer be permitted to volunteer and will be restricted from entering or accessing Board premises.
- 6.25. If the Board becomes aware that a volunteer has failed to make a report of abuse or neglect of a child, the Board reserves the right to end the person's volunteer activities.
- 6.26. A school principal may discipline a student for sexual misconduct, including sexually intrusive behaviour in accordance with the *Education Act* and related Board policies and procedures (e.g., Sexual Misconduct Policy – P105 and the Sexual Misconduct by Students Procedure – PR608) even if the student has not yet reached the age of criminal responsibility under the *Youth Criminal Justice Act*.

7. SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

8. EVALUATION

This Policy will be reviewed as required but at a minimum every five (5) years.

9. APPENDICES

- Not Applicable

10. REFERENCE DOCUMENTS

Policies:

- Anti-Sex Trafficking Policy (P099)
- Caring and Safe Schools Policy (P051)
- Gender-based Violence Policy (P071)
- Sexual Misconduct Policy (P105)
- Human Rights Policy (P031)

Procedures:

- Dealing with Abuse and Neglect of Students Procedure (PR560)
- Sexual Misconduct by Students (PR608)
- Reporting and Responding to Racism and Hate Incidents Procedure (PR728)

Legislation:

- *Child, Youth, and Family Services Act, 2017*
- *Child, Youth, and Family Services Act, 2017 – Part XII – Section 39 - Jordan's Principle*
- *Criminal Code of Canada*
- *Education Act*
- *Katelynn's Principal Act*
- *Protecting Students Act*
- *Youth Criminal Justice Act*

Other Documents:

- [Jordan's Principle Information Sheet 2023 EN.pdf \(fncaringsociety.com\)](https://www.fncaringsociety.com)
- [Katelynn's Principle Act \(Decisions Affecting Children\), 2016 - Legislative Assembly of Ontario \(ola.org\)](https://ola.org)
- [National Inquiry into Missing and Murdered Indigenous Women and Girls](#)
- [Ontario Human Rights Commission's report - *Interrupted Childhoods: Over-Representation of Indigenous and Black Children in Ontario's Child Welfare*](#)
- [PPM 9: Duty to Report Children in Need of Protection](#)
- [PPM 166: Keeping Students Safe: Policy Framework for School Board Anti-Sex Trafficking Protocols](#)
- [TDSB Centre of Excellence for Black Student Achievement](#)
- [Truth and Reconciliation Commission of Canada: Calls to Action](#)
- [Truth and Reconciliation Commission of Canada: Calls to Action related to Child Welfare \(Calls 1-5\)](#)
- [UN Declaration on the Rights of Indigenous Peoples \(inclusive of First Nations, Métis and Inuit\)](#)