

COMMUNITY LIVING BRANT  
POLICY AND PROCEDURE MANUAL

SUBJECT: Duty to Report Child In Need of Protection	POLICY NO.: 8.17 Page 1 of 2
FILE UNDER SECTION: 8 - Program	EFFECTIVE DATE: September 2004 REVISION DATE:

PURPOSE

Duty to report child (to age 16 years) in need of protection.

POLICY

Under the Child and Family Services Act, (CFSA s.72) individuals are required to report an alleged abuse or suspicion of abuse or neglect – which includes physical, sexual and emotional abuse, and risk of harm.

PROCEDURE

- 1.0 **Responsibility to report a child in need of protection CFSA s.72(1)**  
If a person has reasonable grounds to suspect that a child is or may be in need of protection, the person must report the suspicion and the information upon which it is based to the local children's aid society;
- 1.1 **Ongoing duty to report CFSA s.72(2)**  
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 to a children's aid society.
- 1.2 **Persons must report directly CFSA s.72(3)**  
The person who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a children's aid society. The person must not rely on anyone else to report on his or her behalf.
- 1.3 **Special responsibilities of professionals and officials, and penalty for failure to report CFSA s.72(4), (6.2)**  
Professional persons and officials have the same duty as any member of the public 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;

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PROCEDURE (CONTINUED)

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.

**1.4 Professionals affected CFSA s.72(5)**

Persons who perform professional or official duties with respect to children include the following:

- Health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- Teachers, and school principals;
- Social workers and family counsellors;
- Priests, rabbis and other members of the clergy;
- Operators or employees of day nurseries;
- Youth and recreation workers (not volunteers);
- Peace officers and coroners;
- Solicitors;
- Service providers and employees of service providers; and
- Any other person who performs professional or official duties with respect to a child.

1.4.1 This list sets out examples only. If your work involves children but is not listed above, you may still be considered to be a professional for purposes of the duty to report. If you are not sure whether you may be considered to be a professional for purposes of the duty to report, you should contact your local children's aid society, professional association or regulatory body.

**1.5 Professional confidentiality CFSA s.72(7),(8)**

The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official. That is, the professional must report that a child is or may be in need of protection even when the information is supposed to be confidential or privileged. (The only exception for "privileged" information is in the relationship between a solicitor and a client.); and

**1.6 Protection for liability CFSA s.72(7)**

If a civil action is brought against a person who made a report, that person will be protected unless he or she acted maliciously or without reasonable grounds for his or her suspicion.

The Agency is required to ensure that all employees are aware of their legal duty to report. (For more information on the Act and its subsections, please refer to the Child and Family Services Act.)