



Dealing with Abuse and Neglect Code

This code outlines the conduct expected of staff and volunteers from Bryst Football Academy and staff from other organisations who work with children and young people through Bryst Football Academy and its activities and suspect child abuse or neglect in any individual.

DEFINITIONS

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

The categories are described below.

Child means any person under the age of eighteen years. For the purposes of child protection services provided by a children's aid society, child does not include a person who is actually or apparently sixteen years of age or older unless the child is subject to a child protection order. 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 Crown Ward of the CAS;
- 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.

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). 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 play a role in caring for and/or disciplining children, injuring a child is unacceptable.

Sexual Abuse occurs when a person uses his/her power over a child, and involves the child in any sexual act. The power of the abuser can lie in his/her age, intellectual or physical development, relationship of authority over the child, 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: fondling, genital stimulation, mutual masturbation, oral sex, using fingers, penis, or objects for vaginal/anal penetration, inappropriate sexual language, sexual harassment, voyeurism, exposing oneself, sexual exploitation over the Internet, as well as exposing a child to, or involving a child in pornography or prostitution. The offender may engage the child in inappropriate sexual activity through threats, bribes,

force, misrepresentation, and other forms of coercion. Sexual abuse is usually 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 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 a child. Children who are exposed to violence in their homes may suffer emotional harm.

Exposure to Family Violence includes 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.

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 education. Emotionally neglected children do not receive the necessary psychological nurture 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.

THE LEGAL DUTY TO REPORT

1. The law in Ontario requires that all individuals report abuse or neglect – witnessed, disclosed or suspected. This duty arises from Section 72 of the Child and Family Services Act.
2. 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") if they suspect that abuse or neglect has occurred or if a child is at risk of abuse or neglect.
3. A person who has formed a suspicion of abuse or neglect must report directly. The responsibility to report cannot be delegated to anyone else.
4. A person who has additional reasonable grounds to suspect abuse or neglect has an ongoing duty to report. As such, you must contact CAS again even if you have made previous reports with respect to the same child.
5. It is an offence under the Child and Family Services Act for a person who performs professional or official duties with respect to children such as a teacher, coach, psychologist, social worker, child and youth worker who contravene or fail to meet their reporting obligations. The penalty, if convicted, is a fine of up to \$1000.
6. The duty to report suspicions of abuse or neglect still applies even if the information is privileged or confidential. The only exception to this is solicitor client privilege.
7. All persons who suspect abuse or neglect and subsequently make a report in accordance with this section will be protected from legal action, unless the person acted maliciously or without reasonable grounds for the suspicion.
8. The responsibility to report to a CAS lies with the person who witnessed an incident, received a disclosure, or suspected abuse or neglect.
9. If you are ever uncertain about whether to make a report, you should contact a CAS for consultation purposes, without disclosing the child's name, to seek direction as to whether the matter should be reported.