

# Employer Bulletin

## Professional Advisory: Duty to Report

The College of Early Childhood Educators has published the *Professional Advisory: Duty to Report* on the requirement to report child abuse under section 72 of the *Child and Family Services Act, 1990* (CFSA). Registered early childhood educators (RECEs) have a responsibility to protect children from harm. This includes situations where there is a suspicion that a child is in need of protection. Therefore it is important that RECEs are knowledgeable about their duty to report to a Children's Aid Society (CAS) under the CFSA.

### Responsibility of RECEs

RECEs are expected to be accountable for their actions as early childhood educators and to abide by the College's *Code of Ethics and Standards of Practice* as well as all applicable legislation, regulations, by-laws and policies that are relevant to their professional practice. The *Early Childhood Educators Act, 2007* and the College's Professional Misconduct Regulation state that it is an act of professional misconduct to "[contravene] a law, if the contravention has caused or may cause a child who is under the member's professional supervision to be put at or remain at risk".

### Who is a Child in Need of Protection?

The CFSA defines a child in need of protection as a child who has suffered or is at risk of suffering certain defined types of harm or falls within certain circumstances.<sup>1</sup>

### What are Reasonable Grounds?

Reasonable grounds refer to what an average person, given their training, background and experience, using normal and honest judgment and acting in good faith, would cause them to report.<sup>2</sup> If a person, in particular a professional, has reasonable grounds to suspect that one of the harms, risks or other listed circumstances exist, they have a duty to immediately report it to a CAS. RECEs do not require certainty or probability that a child is in need of protection before they report to a CAS.

<sup>1</sup> CFSA section 37(2) and section 72(1)

<sup>2</sup>"Reporting Child Abuse and Neglect: It's Your Duty," Ministry of Children and Youth Services.

<http://www.children.gov.on.ca/htdocs/English/topics/childremsaid/reportingabuse/abuseandneglect/abuseandneglect.aspx>; BOOST Child Abuse Prevention & Intervention.

### What should employers know?

- Employers must ensure that early learning and child care policies outlining the duty to report are in line with CFSA requirements and that all staff members are familiar with these policies.
- A person who performs professional or official duties with respect to children is guilty of an offence if they do not report a reasonable suspicion that a child may be in need of protection. Employers are also guilty of an offence if they impede or prevent the exercise of this duty.
- RECEs employed as supervisors must not prevent staff members from contacting a CAS. If an RECE goes to a supervisor with concerns of suspected child abuse, the RECE should expect to be provided with support and encouragement in carrying out their duty to report.

### Where can employers get more information?

The full Professional Advisory is available on the College's website. The College will publish additional resources on its website to help members and employers understand the Professional Advisory.

### For additional information about the Professional Advisory, please contact:

**College of Early Childhood Educators**  
438 University Avenue, Suite 1900  
Toronto ON M5G 2K8  
Telephone: 416 961-8558  
Toll free: 1 888 961-8558  
Fax: 416 961-8772  
E-mail: [communications@college-ece.ca](mailto:communications@college-ece.ca)  
Website: [college-ece.ca](http://college-ece.ca)

### If you have questions about the CFSA, please contact the Ministry of Children and Youth Services at:

Ministry of Children and Youth Services  
ServiceOntario INFOLine  
M-1B114, Macdonald Block  
900 Bay Street  
Toronto ON M7A 1N3  
Telephone: 1 866 821-7770  
Fax: 416 212-1977  
Website: [children.gov.on.ca](http://children.gov.on.ca)

### To locate the Children's Aid Society in your area, please contact the Ontario Association of Children's Aid Societies at:

Ontario Association of Children's Aid Societies  
75 Front Street East, Suite 308  
Toronto ON M5E 1V9  
Tel: 416 987-7725  
Toll free: 1 800 718-7725  
Fax: 416 366-8317  
Website: [oacas.org](http://oacas.org)

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