

Professional Advisory: Duty to Report

Professional advisories are developed for Registered Early Childhood Educators (RECEs). They communicate the important legal requirements that RECEs must know and understand. Developing this resource is part of the College of Early Childhood Educators' (College) ongoing commitment to advise RECEs on their roles and responsibilities set out through legislation.

This professional advisory communicates the requirement to report child abuse and neglect, the suspicions of harm or the risk of harm to children, under section 125 of the ***Child, Youth and Family Services Act, 2017*** (CYFSA). RECEs have a responsibility to protect children from harm. It is essential that they are knowledgeable about their duty to report to a Children's Aid Society (CAS) under the CYFSA.

This professional advisory is designed to:

- **Explain** the duty to report section of the CYFSA; and
- **Emphasize** the responsibilities of early childhood educators, outlined in the CYFSA and the ***Code of Ethics and Standards of Practice*** (Code and Standards).

It is not intended to provide specific legal advice.

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Introduction

While upholding the profession's core set of beliefs and values of care, respect, trust and integrity, RECEs make the well-being, learning and care of children their foremost responsibility (Code and Standards, Ethic A). This responsibility is directly related to an RECE's duty to report, which ensures that the well-being, health and safety of children are prioritized.

Within a care and relationship-based practice, RECEs work with a vulnerable population. The [Code of Ethics and Standards of Practice](#) outlines RECEs' responsibilities to children and families, which includes building positive, trusting and responsive relationships. As such, RECEs are in a unique position to recognize possible signs of child abuse, neglect and family violence.

Under section 125 of the *Child, Youth and Family Services Act, 2017* (CYFSA), RECEs have a particular duty to report to a Children's Aid Society (CAS) if they have reasonable grounds to suspect that a child has been harmed or is at risk of harm or injury¹.

RECEs are required 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. They are required to be aware of and prepared to act on their legislated duty to report concerns of harm or abuse towards children. **Failure to do so is contrary to the law and, may constitute professional misconduct.**

This professional advisory:

- Introduces the CYFSA and explains section 125 in the context of an RECE's practice;
- Examines reasonable grounds, professional judgment and ethical decision-making around reporting;
- Describes reportable harms, risks and circumstances;
- Covers consequences of not reporting;
- Highlights bias, racism and stereotypes in relation to the duty to report; and
- Provides guidance for RECEs related to their role and the duty to report.

It is recommended that RECEs review the accompanying [Reflection Guide on Duty to Report](#) after reviewing this professional advisory. The reflection guide will help deepen understanding of the duty to report through critical reflection on the topic, scenarios and the associated complex factors.



***Child,
Youth
and
Family
Services
Act***

What is the *Child, Youth and Family Services Act*?

The CYFSA is an Ontario law (also known as legislation or a statute) that sets out the responsibilities for those that provide service to children, youth and families.

The primary purpose of the CYFSA is to promote the best interests, protection and well-being of children². Section 125 of the CYFSA focuses on the duty to report suspicions of harm and the risk of harm to a child. This law applies to all members of the public, with a particular duty for some professionals, including RECEs, regardless of position, title or practice setting.

Section 34 of the CYFSA: Children's Aid Societies

A Children's Aid Society (CAS) is a non-profit agency established under section 34 of the CYFSA to carry out duties of the Act including, assessment of risk and service to children, youth and families.

Some of the specific functions of a CAS are to investigate allegations of abuse, protect children where necessary, care for children who come under its supervision, provide guidance and counselling to families as it relates to child protection and adoption services³.

The name of a Children's Aid Society or Indigenous Child and Family Well-Being Agency can vary and may include: Child and Family Services, Family Care, Family and Community Services, Family and Children's Services, Catholic or Jewish Children's Aid Society. Some CASs only provide child welfare services and others provide a variety of services such as children's mental health, early years and youth justice.

Reasonable Grounds

Section 125 states that individuals have a duty to report if they have “reasonable grounds to suspect” that a child is or may be in need of protection. But what does this really mean?

According to the Ontario Association of Children’s Aid Societies “reasonable grounds refers to the information that an average person, using normal and honest judgment, would need in order to decide to report.”⁴ This standard has been recognized by courts in Ontario as establishing a low threshold for reporting.

RECEs do not require certainty or probability that a child is or may be in need of protection before they report to a CAS. The duty of RECEs is to report concerns, while the duty of a CAS is to investigate.

While RECEs don’t need to have proof that a child is or may be in need of protection, their concerns do need to be based on reasonable grounds and they must act in good faith to further the interest of children. RECEs must not report to a CAS based on malicious, frivolous or personal reasons, as this is against the law⁵.

Professional Judgment

Knowing if a child in your care is at risk of harm can be complex. Sometimes RECEs will find it difficult to know if their concerns are correct. But remember, RECEs don’t need to be certain or have “proof.” Their concerns just need to be based on reasonable grounds. This is where an RECE’s professional judgment and ethical decision-making can help. When considering a child’s circumstances, it is important to rely on facts and observations instead of opinions or assumptions.

When faced with complex or ambiguous practice situations, RECEs use their professional judgment to navigate the situation. [Professional judgment](#) is informed by:

- ethical and professional standards
- professional knowledge and experiences
- reflective practice

Ethical Decision-Making

In addition to professional judgment, RECEs engage in [ethical decision-making](#), which involves choosing a course of action to address an ambiguous practice situation or resolve an ethical dilemma. The process is informed by professional ethics and an examination of beliefs, perceptions and biases.

As a part of the ethical decision-making process, if an RECE is unsure whether their concerns should be reported, or if they have questions related to their concerns, they can and should contact a CAS to gain more information about the situation. RECEs can contact a CAS for a consult **at any time, not only to report.**

Here's an example of what this may look like:

An RECE notices that a child's behaviour consistently changes after they return from bi-weekly visits with a family member. The child is much more anxious, tired and fearful of things they are not usually afraid of (e.g., when the lights go off for rest time). To navigate this complex situation, the RECE takes the following steps:

1. Identifies and focuses on the facts of the situation. They try to separate the facts from their assumptions.
2. Examines their beliefs, perceptions, biases, relationship with and knowledge of the child and family. They consider if/how those factors may be influencing their thinking or actions.
3. Consults the [Code of Ethics and Standards of Practice](#), relevant legislation and their workplace policies and procedures or a CAS.
4. Acts in the best interest of the child(ren) with good intent.
5. Does not unnecessarily delay or wait to report the concerns and does not delegate any referral to anyone else.
6. Documents their decision and the outcomes of the action.
7. Engages in reflective practice to reflect on the process.

This section contains content regarding different types of abuse and harms, and may be upsetting to some people.

Section 125 of the CYFSA: Duty to Report

Reportable Harms, Risks and Circumstances

Section 125 of the CYFSA imposes an **immediate** duty to report a child who is or may be in need of protection to a CAS, for everyone, including RECEs.

What does the CYFSA mean by an “immediate duty to report”? Immediate does not mean that RECEs rush through the decision-making process; RECEs need to have reasonable grounds to suspect a child is or may be in need of protection. However, when an RECE does have reasonable grounds, their duty to report is immediate, meaning that they are required to make the report right away. The timing of the report can be crucial to prevent harm from continuing or reoccurring and allow a CAS to assess how/if to act.

A child in need of protection is a child who is, or is at risk of suffering from abuse (of any type) and/or neglect⁶. Signs of a child in need of protection may include a disclosure (although an oral disclosure may be rare in young children or children who are non-verbal, sometimes they communicate things through their play), physical markings or distress, or changes in behaviours, health, emotions, play or habits with no logical explanation, to name a few⁷.

It is possible that children who are harmed experience more than one type of abuse (e.g., physical and emotional abuse often co-exist).

Section 125 of the CYFSA outlines reportable harms, risks and circumstances. RECEs have a legal and ethical duty to report where there are reasonable grounds to suspect one or more of the following with respect to a child:

Physical Abuse

The CYFSA describes physical abuse as:

The child has suffered physical harm or there is a risk that a child is likely to suffer physical harm inflicted by the person having charge of the child, or as a result of that person’s neglect of, or failure to adequately care for, provide for, supervise or protect the child⁸.

The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment⁹.

Physical abuse is any deliberate physical force or action, which results, or could result, in injury to a child. It can include bruising, cuts, grabbing, pulling, pushing, punching, slapping, beating, shaking, burning, biting or throwing a child. Using any object to punish a child can cause serious harm and is also considered abuse⁷.

Sexual Abuse

The CYFSA describes sexual abuse as:

The child has been sexually abused or sexually exploited, or there is a risk that the child is likely to be sexually abused or sexually exploited, by the person having charge of the child, or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child¹⁰.

The child has been sexually exploited as a result of being subjected to child sex trafficking, or there is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking¹¹.

Sexual abuse occurs when a child is used for the sexual gratification of another person. It's the involvement of a child in sexual activity that the child does not comprehend, is unable to give consent to, or for which the child is not developmentally prepared and cannot give consent. The child may comply out of fear or because they want to please the adult. It includes both contact and non-contact offenses such as, but not limited to, sexual intercourse or penetration, exposing a child's private areas or inviting a child to touch themselves in a sexual manner, indecent phone calls, making sexually explicit comments about a child, any form of sexual touching, exposing oneself to a child, watching a child undress for sexual pleasure, allowing or forcing a child to look at or perform in pornographic pictures or videos, or engage in sexual exploitation, online luring, and sex trafficking¹².

Sexual Abuse Prevention Program

In 2020, changes were made to the [Early Childhood Educators Act](#), 2007 (ECE Act), that required the College to develop a [Sexual Abuse Prevention Program](#).

According to researchers, understanding child sexual abuse is complex for a number of reasons such as: it's the most hidden form of child abuse; it's secretive in nature because it's "taboo" within society; it's the least likely to be disclosed by both child victims and adult survivors; and it's often the most difficult for RECEs to address due to their knowledge, or lack thereof, about childhood sexuality development and education, and their own beliefs, biases, and experiences¹³.

The College's Sexual Abuse Prevention Program, which includes mandatory member education, builds on the knowledge and skills RECEs have in this area and provides an opportunity to reinforce the position of trust they have with families and their community to protect children. The program supports RECEs' commitment to the personal safety, health and well-being of all children and empowers them with proactive approaches to help prevent child sexual abuse. Building on knowledge and skills related to child protection and the prevention of child sexual abuse is an important professional responsibility of RECEs in the interest of children and families.

Emotional Abuse

The CYFSA describes emotional abuse as:

The child has suffered emotional harm, or there is a risk that the child is likely to suffer emotional harm demonstrated by serious:

- anxiety
- depression
- withdrawal
- self-destructive or aggressive behaviour
- 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 of the child¹⁴.

The child has suffered emotional harm of the type described above, or there is a risk that the child is likely to suffer such emotional harm, and the child's parent or the person having charge of the child does not provide or refuses, or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm¹⁵.

Emotional abuse is a pattern of behaviour that attacks a child's emotional development and sense of self-worth. It includes excessive, aggressive or unreasonable demands that place expectations on a child beyond their capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring or isolating the child. It may also include exposure to *domestic violence⁷.

*The terms domestic violence, family violence or intimate partner violence are sometimes used interchangeably; however, by definition they all mean any form of abuse, mistreatment or neglect that a child or adult experiences from a family member, or from someone with whom they have an intimate relationship¹⁶, and are all reportable as they put children at risk of harm.

Neglect

The CYFSA describes neglect as:

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 the person having charge of the child does not provide the treatment or access to the treatment, or where the child is incapable of consenting to the treatment, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition¹⁷.

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, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody¹⁸.

Neglect (physical or emotional) occurs when a caregiver fails to provide basic needs such as adequate food, sleep, safety, education, clothing or medical treatment, to keep the child safe and healthy. It can also include leaving a child alone or failing to provide adequate supervision. If the caregiver is unable to provide the child with basic needs due to financial inability, it is not considered neglect, unless relief has been consistently offered and refused⁷.

Acts of a Criminal Nature

The CYFSA describes acts of a criminal nature as:

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 of the child does not provide or refuses, or is unavailable or unable to consent to, those services or treatment¹⁹.

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 of the child or because of that person's failure or inability to supervise the child adequately²⁰.

Family Violence

Children may be exposed to family violence, which can take the form of physical, sexual, emotional or financial harm, as well as neglect. Children may experience family violence in different ways, including directly seeing or hearing violence, being manipulated by the perpetrator, and experiencing the repercussions of violence, such as an injured family member or police intervention.

Although there is no specific reference in the CYFSA to reporting children exposed to family violence, if an RECE has a concern that a child is at risk of harm due to exposure to family violence, it is the College's position that they have a duty to report to a CAS.

Age of Child and Duty to Report

The duty to report under the CYFSA applies to any child who is, or appears to be, under the age of 16. On January 1, 2018, Ontario raised the age of protection from 16 to 18 years old. This means that individuals may make a report to a CAS about a child who is 16-17 years old, but they are not required to under the law²¹.

Who Makes the Report

The CYFSA clearly states that a person who has a duty to report shall make the report directly to a CAS and shall not rely on any other person to report on his or her behalf²².

Therefore, RECEs who have reasonable grounds to suspect a child is, or may be, in need of protection must report to a CAS themselves and cannot rely on another person, such as a colleague or supervisor, to report for them. Concerns must be reported by the person that has them to ensure the information passed to the CAS is as accurate as possible.

Ongoing Duty to Report to a CAS

Ongoing duty to report means that if a person has additional reasonable grounds to suspect a child is, or may be, in need of protection, they are required to make another report even if they have made previous reports, or they know of someone who made previous reports, with respect to the same child²³. This is to help CAS understand any pattern or to assess a cumulative risk of harm when a first incidence does not meet the threshold for intervention.

Confidentiality and Implications of Reporting

When making a report to CAS, an RECE will likely have to disclose information that would otherwise be considered confidential. The duty to report overrides concerns related to confidentiality. This means that if a child, family member, caregiver or colleague discloses to an RECE information suggesting that a child may be or is in need of protection, they still have a duty to report, even if the information was disclosed in confidence, “secret”, or is part of a confidential record. RECEs should be clear when speaking with families that they are unable to keep information confidential when it relates to the safety and well-being of a child.

What happens if an RECE reports a child and it turns out that the child was not in need of protection? Can the RECE face legal or workplace action? The CYFSA states that no action shall be instituted against a person who makes a report unless the person acts maliciously or without reasonable grounds for the suspicion⁵. This means that RECEs cannot be held liable for making a report about a child, as long as they have reasonable grounds to suspect the child may have been or was in need of protection and the RECE did not act maliciously.

Consequences of Not Reporting

Under the CYFSA

RECEs can face legal consequences for failing to uphold the duty to report. The CYFSA states that a person who performs professional or official duties with respect to children, including an early childhood educator, is liable on conviction of a fine up to \$5,000²⁴ if they do not report a reasonable suspicion that a child is, or may be, in need of protection based on information that was obtained in the course of their professional or official duties¹⁷.

There are also legal implications for employers if they or their employees fail to report under the CYFSA. A director, officer or employee of a corporation can be liable on conviction of a fine up to \$5,000²⁵, if they authorize, permit or concur a violation of the law by an employee. **This means that if an employer prevents or discourages their employee from reporting, the employer can be held liable under the CYFSA.**

Under the *Early Childhood Educators Act*

Failure to report under the CYFSA can also have consequences for members of the College under the ECE Act, where they can be found guilty of professional misconduct.

The Professional Misconduct Regulation states that “contravening 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,” may constitute professional misconduct²⁶.

There are also several other provisions under the Professional Misconduct Regulation that could apply for failing to report such as²⁷:

- Failing to maintain the standards of the profession; and
- Acting or failing to act in a manner that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

If the Registrar believes on reasonable and probable grounds that a member has failed to report as required under the CYFSA, the matter may be investigated and considered by the College's Complaints Committee. The Complaints Committee may refer the matter to the Discipline Committee for a hearing.

A discipline hearing may result in a finding of professional misconduct against a member, in which case the College's Discipline Committee may make various orders, the most serious of which is an order directing that a member's Certificate of Registration be revoked.

RECEs should be aware of all the consequences of not reporting under the CYFSA and ECE Act and understand that the implications can be serious.

Bias, Racism and Stereotypes in Reporting to a CAS

Keeping children safe from harm is the responsibility of everyone, including RECEs, which is why Section 125 of the CYFSA exists. However, it's important for RECEs to be aware of how bias, racism and stereotypes can influence reporting to a CAS and how it leads to Indigenous, African Canadian and other racialized children and families being disproportionately reported to authorities relative to their proportion in the general population.

Research indicates that professionals overreport families based on stereotypes around racial identities. Both Indigenous and African Canadian children and youth are overrepresented in child welfare due to systemic racism⁴.

Stereotypes around poverty can also lead to overreporting. While poverty is a risk factor for children and youth, it is a reality for many families across Ontario and it is not a cause of child maltreatment⁴.

Reporting could also be influenced by other biases or stereotypes, such as those related to:

- sexuality
- gender and gender identity
- religion
- parenting styles
- family structure
- immigration or refugee status
- social or culture groups
- food choices
- addiction
- mental health
- disability

When considering whether they have reasonable grounds to suspect a child is or may be at risk, it's important that RECEs engage in self-reflection to decipher whether their concerns are related to any bias or stereotypes they hold about children, their families or communities to which they belong. While it is beyond the scope of practice for RECEs to confirm abuse or neglect, RECEs are responsible for considering what may have led them to suspect a particular child and family was at risk, including whether beliefs, bias, racism or harmful stereotypes may be influencing their assumptions²⁸.

For more on this topic, consult the College's resource on [Racism and Bias in Reporting to Child Welfare](#).



Guidance for RECEs Related to the Duty to Report

Know the Roles, Obligations and Relevant Standards of Practice

RECEs have a responsibility to children, families, colleagues, the community, the public and the profession. To effectively protect children, it is critical that RECEs and employers know their roles and responsibilities in a situation where it is suspected that a child may be in need of protection, as well as each other's roles and responsibilities. This includes knowing the sections of the College's [*Code of Ethics and Standards of Practice*](#) that are relevant to the duty to report under the CYFSA.

Below are some of the most relevant Standards, although others will apply:

Standard I: Caring and Responsive Relationships

- **A** – RECEs understand that maintaining caring and responsive relationships with children and families is fundamental to their practice.
- **B.4** – RECEs understand the importance of creating and maintaining positive relationships with families and colleagues to support children's well-being.
- **C.7** – RECEs ensure that in their relationship with families and colleagues, the needs and best interests of the child are their highest priority.

When RECEs engage in supportive and respectful interactions with children, and ensure they feel a sense of security and belonging, RECEs create a welcoming environment where families and children may feel comfortable approaching an RECE with concerns.

Standard IV: Professionalism and Leadership

- **B.1** – RECEs are knowledgeable about current legislation, policies and procedures that are relevant to their professional practice and to the care and education of children.
- **B.6** – RECEs understand their legal obligations to practise according to the *Code of Ethics and Standards of Practice*. RECEs understand that if there is a conflict between the *Code of Ethics and Standards of Practice* and their work environment or the policies and procedures of their employer, they have an obligation to comply with the *Code of Ethics and Standards of Practice*.
- **C.11** – RECEs report professional misconduct, incompetence and incapacity of colleagues which could create a risk to the health or well-being of children or others to the appropriate authorities, including the College.

Standard IV: Professionalism and Leadership cont'd

RECEs must know the procedure for reporting and documenting a concern that a child may be or is in need of protection, should they witness or otherwise become aware of any of the harms, risks or circumstances listed in section 125 of the CYFSA.

RECEs are responsible for knowing their employer's policy on reporting child abuse, which is expected to be in agreement with the CYFSA, and if it is not, RECEs know that the CYFSA takes precedence.

Lastly, if an RECE has a concern about the conduct of a colleague, which could create a risk to the health or well-being of children (this includes deliberately not reporting), they must report to the appropriate authorities, including a CAS. If the concern relates to a colleague who is an RECE, they must [submit a complaint](#) about the RECE to the College.

Standard V: Professional Boundaries, Dual Relationships and Conflicts of Interest

- **C.2** – RECEs do not use their professional position to coerce, improperly influence, harass, abuse or exploit a child who is under their professional supervision.

Standard VI: Confidentiality, Release of Information and Duty to Report

- **A** – RECEs understand that as a result of their professional knowledge and role, they are in a unique position to recognize possible signs of child abuse, neglect and family violence, and have a particular duty to report their suspicions.
- **B.4** – RECEs understand that they are recognized by the CYFSA as being in a unique position to recognize the signs of child abuse, neglect and family violence, and have a particular duty to report their suspicions.
- **B.5** – RECEs understand that the CYFSA provisions about reporting suspected abuse or neglect take precedence over an organization's policies and procedures.
- **C.8** – RECEs comply with the CYFSA about their duty to report suspected child abuse and neglect to the Children's Aid Society.

If an RECE has a concern that a child may be or is in need of protection, they are required to immediately report to a CAS. Although RECEs may choose to speak with their employer before contacting a CAS, they are **not required** to do so. If an RECE does speak with their employer about the matter, this does not remove the RECE's responsibility to contact a CAS to make a report.

Expectations of RECEs Responsible for Supervisees

RECEs who are supervisors, directors, operators, owners or in a role where they hold a position of trust over *supervisees in early learning and child care settings should be aware that they have duties under the CYFSA in addition to their own direct duty to report. They should ensure that employer policies outlining the duty to report are in line with CYFSA requirements and that all supervisees are familiar with these policies.

*Supervisee is defined as any person who is under an RECE's direct supervision including, but not limited to, other RECEs, staff, students or volunteers²⁹.

RECEs understand that supervisors, directors, operators and/or owners should never prevent or discourage supervisees from contacting a CAS, nor should they try to elicit a disclosure from a supervisee and say they will report it themselves. If an RECE chooses to go to a supervisor with concerns of suspected child abuse or neglect, the RECE should expect to be provided with support and encouragement in carrying out the duty to report. This means that RECEs responsible for the professional supervision of supervisees in early learning and child care settings should provide them with the necessary allowances to be able to make the report (e.g., ensuring the proper supervision of children if a supervisee needs to step away to make a report and/or providing them with a private space to make the call).

As previously noted in this advisory, a person who performs professional or official duties with respect to children is guilty of an offence if he or she does not report a reasonable suspicion that a child may be in need of protection. In addition, employers are also guilty of an offence if they impede, prevent or discourage the exercise of this duty.

Communication and Relationship Building Between RECEs and Families

Ethic B, Responsibilities to Families states that "RECEs build and maintain responsive and collaborative relationships with families. These relationships are based on mutual trust, openness and respect for confidentiality." (Code and Standards)

Through building trusting, meaningful and responsive relationships and communication with families, RECEs learn about each child, their family and their larger community. This includes information about a child's medical history or current issues, stressors, trauma, grief, hardship, or any other reasons there may be a change in the child's health, behaviour, attendance or physical characteristics.

Although RECEs have an ethical responsibility to families, they also have a legal responsibility to report to CAS. This can be challenging to balance at times. Below are some ways RECEs can maintain and encourage communication with families to help keep children's safety and well-being as the priority:

- Having a child protection/well-being policy with a clear statement about obligations to report concerns to CAS. This policy should be shared with families upon registration and referred to, if needed, when speaking to families about any concerns and/or making a referral to a CAS.
- Informing families that their child's educator should be notified of:
 - any injuries the child may have sustained outside of the learning setting and how these injuries occurred;
 - any changes to the child's health that could be a reason of concern for the educator (e.g., infections, diaper rashes);
 - changes in sleep, eating, toileting patterns or practices;
 - any changes in the home environment that could result in behavioural, physical, emotional or cognitive changes; or
 - changes to custody agreements and access to the child(ren).
- Notifying families of the incident reporting procedure, so they can be aware of what to expect if an injury occurs to a child while in the learning setting.
- Informing families in a clear manner of an RECE's duty to report under the CYFSA and how families can also report, if they have concerns that a child is or may be in need of protection, or if a family is seeking support for themselves. This is particularly important so that families understand that all RECEs have a legal duty to report.

Recognizing When Something May Be Wrong

RECEs understand that they are in a unique position to recognize possible signs of child abuse, neglect and family violence, and have a duty to report their concerns. However, factors related to child abuse and neglect can be complex. Not all signs or indicators of a child in need of protection will be obvious, particularly with young children or in cases of child sexual abuse. Children who are abused or neglected may not fully understand that what they are experiencing is "abnormal", especially if the individual harming them is a family member, caregiver or someone in a position of trust.

This is where an RECE's knowledge of and relationship with the child and family, their beliefs, biases and experiences, as well as their professional judgment and ethical decision-making, all play a role in helping to navigate the situation.

It's important to note that the indicators and signs listed below do not necessarily mean that abuse or neglect is taking place, nor do they prove that a child is in need of protection. Rather, these are shared for information for RECEs to use as reference when they sense that something may be wrong or have a concern regarding a child and/or family. Additionally, it is crucial that RECEs are aware of and consider how their biases might be influencing their concern for a child or family. Ask yourself, are your concerns heightened at all because of harmful stereotypes and/or biases (e.g., poverty, race, food choices)?

- Physical markings or injuries that:
 - Have inconsistent explanations;
 - Seem to be re-occurring, present over a period of time, or in different stages of healing; and/or
 - Are inconsistent with the child's age or developmental phase.
- Physical health changes such as:
 - Frequent headaches, stomach aches, nausea, sore throats or urinary tract infections with no medical cause;
 - Failure to gain weight particularly in infants;
 - Height and weight significantly below age level;
 - Bleeding from genitals (vagina, anus, penis, nipples) with no medical cause; and/or
 - Unusual or excessive sensitivity, itching or bruising of the genitals with no medical cause.
- Changes in behaviours such as:
 - Increased anxiety, aggression, sadness, crying, behaviour extremes (overly compliant, unusually "disobedient", inappropriately affectionate), depression or withdrawal, with no explanation;
 - Sudden changes in appetite – not wanting to eat, excessive appetite, persistent hunger or taking other people's food and hiding it for later;
 - Sleep – sudden changes in sleep patterns (consistently tired, not wanting to sleep), recurrent or increased nightmares, with no explanation;
 - Sudden changes in self-confidence, self-worth or self-esteem;
 - Sudden changes in fears such as the dark, adults, undressing or changing clothing;
 - Play – sudden extreme inhibition in play, re-enactment of abuse through play (dolls, drawings, games, peers), asking peers to engage in sexualized behaviours;
 - Excessive talk or knowledge of sexual topics, or using words related to sexual behaviours that is inconsistent with the child's age or developmental phase; and/or
 - Bedwetting or thumb-sucking after a child has stopped these behaviours, with no explanation.

- Other characteristics such as:
 - Consistently having dirty clothing, poor hygiene or unattended medical needs, with no explanation and having an impact on the child’s health and well-being; and/or
 - Consistently absent from the program with no explanation.

While the above list provides examples of signs and indicators that a child may be or is in need of protection, RECEs should know that one single sign does not necessarily mean abuse or neglect is occurring. RECEs can consider the following framework when trying to determine the best course of action:

- Know the signs or indicators of a child who is or may be in need of protection.
 - Focus on the facts and avoid making assumptions.
- Examine your beliefs, biases, experiences, knowledge of and relationship with the child and family, all in relation to your concerns. This is a critical step for RECEs, as they’re responsible for considering what may have led them to have a concern about a particular child or family. Some questions RECEs may want to ask themselves are:
 - Are your conscious or unconscious biases or beliefs influencing your thinking?
 - Are harmful stereotypes influencing your thinking?
 - What’s your understanding or beliefs around child development or appropriate sexuality knowledge or behaviours for children?
 - What’s your relationship or communication like with the child and the family? Do you know of any medical issues, if the child has experienced recent stress, trauma or hardship, or if there are other explanations for your concern(s)?
- Take a look at the [Code of Ethics and Standards of Practice](#), your workplace policies and procedures or other resources that you may have access to.
- Think critically about the best interest of the child. Are your actions in their best interest?
- Know that when in doubt, you can call a CAS to ask questions without making a report. Use CAS as a resource.
- Based on all your reflections and thinking up until this point, and using your professional judgment, decide what action you are going to take. Remember, it’s not your responsibility to determine whether abuse or neglect has occurred.

The duty to report is not something that is taken lightly, and it is very common to experience a mix of emotions while navigating this process. RECEs have a responsibility to the children in their care, where the child’s health, safety and well-being should ultimately be the biggest consideration.

What to Expect When Contacting a CAS

Remember, an RECE's duty to report is direct, meaning that they cannot rely on another person to report on their behalf²².

RECEs should ensure they're in a space that has privacy when placing a call to a CAS, whether they're calling for information or making a report. While RECEs have the option of having a supervisor or colleague present when they're making the call for moral support, the responsibility of reporting ultimately falls on the RECE who has reasonable grounds to suspect a child may be or is in need of protection.

When an RECE calls a CAS, they will be communicating with a child welfare specialist who is specifically trained to listen to concerns and ask questions to determine how urgent the situation is and determine what type of intervention is required, if any.

After a report is made to a CAS, if it does not meet the threshold for an investigation, the child protection worker may provide resources to support the family or individual(s) involved. If it does meet the threshold and is determined that it requires an investigation, it becomes the child protection worker's responsibility to investigate the information. The CAS may involve the police or other community agencies, if required. Investigations consider a number of factors such as³⁰:

- Respect for a child's need for continuity of care and for stable relationships within a family and cultural environment;
- The physical, emotional, spiritual, mental and developmental needs of the child;
- A child's race, ancestry, place of origin, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression;
- A child's cultural and linguistic needs; and
- The participation of a child, the child's parents and relatives and the members of the child's extended family and community, where appropriate³¹.

RECEs should:

- Know that they don't need to have all the answers. It's not an RECE's job to prove anything or be sure of anything. A CAS is responsible for investigating and assessing the need for protection or involvement.
- Know that they can place a call at any time. CASs are open 24 hours a day, seven days a week.
- Have as much information as they can available to share with the CAS about the person(s) involved (e.g., child, family, adult, colleague) such as ages, addresses, names, etc.
- Know that they're not required to tell a supervisor, employer or colleague that they're making a call to a CAS, although some may choose to. Employers and/or supervisors can be held liable for preventing or deterring an RECE from reporting, as it is their legal duty¹⁹.

- Know they're not required to consult with a family prior to contacting a CAS, nor are they required to notify a family that a call to a CAS has been made. In fact, it is best practice to ask the child protection worker about whether and how the family should be informed.
- Know they can ask the child protection worker as many questions as they need, such as:
 - If, when and how they should notify the family that a report has been made?
 - How to continue to be a partner in supporting the child and family moving forward?
 - Do they have any strategies for maintaining a positive relationship with the family or colleague they reported?
 - Will CAS keep them updated in the investigation?
- Document their conversation with CAS and keep their notes in a secure place (e.g., not in the child's file or a place that is accessible to other staff).
- Know that it is possible to make an anonymous call to a CAS by not providing any identifying information about themselves.

After Reporting to a CAS

Whether an RECE is calling a CAS for information about their concerns or making a report, the experience can be stressful, anxiety provoking and isolating.

Below are some strategies for RECEs to consider after they've reported to a CAS:

- Remind yourself that you've acted in the best interest of the child and the weight of proving the abuse or neglect is not on you.
- If you're able to, take some time after you've made the call to clear your head (e.g., go outside for some fresh air, take a short walk or break from work).
- Making a report can be emotionally, mentally or physically distressing and/or have an emotional impact that you may not notice right away. Consider debriefing with your supervisor or a colleague while keeping in mind confidentiality (e.g., not sharing specific information related to the report). It's important to take the time to be kind to yourself.
- Understand that the feelings associated with reporting may last longer than just one day. RECEs are caring professionals – taking care of yourself and noticing when you may need help is important.

In addition to the emotional stress of making a report, maintaining a trusting relationship and working with the family or colleague who was reported can also be difficult for RECEs. The relationship can become strained and awkward, particularly if it's brought up by the family or colleague who was reported. Ensuring all families are aware of an RECE's professional and legal duty to report is crucial in helping to mediate when a situation may become challenging.

Consider the following strategies for maintaining positive relationships:

- Remind yourself of your Code and Standards, particularly Standard IV which speaks to demonstrating professionalism with children, families, colleagues and community partners.
- Continue to communicate and collaborate with the family or colleague as you did prior to reporting.
- Follow the instructions that CAS provided in terms of if, when and how to notify the family that a report was made.
- Remind yourself how difficult it might be for that family or colleague and to remain caring and non-judgmental in your communications and interactions with them.
- If you're ever challenged by the family or colleague, stay calm and remind them of your legal duty to report concerns and your professional duty to act in the best interest of the child.
- Ask for support from your employer.

Contact Information

If you have questions about the information presented in this professional advisory, please contact the College at:

College of Early Childhood Educators

Telephone: 416 961-8558

Toll free: 1 888 961-8558

Email: practice@college-ece.ca

Website: college-ece.ca

If you have questions about the *Child, Youth and Family Services Act, 2017*, please contact the **Ministry of Children, Community and Social Services**:

Telephone: 1 866 821-7770

Email: mcsinfo@mcys.gov.on.ca

Website: children.gov.on.ca

To locate the Children's Aid Society or Indigenous Child and Family Well-Being Agency in your area, please contact:

Association of Native Child and Family Services Agencies of Ontario

Telephone: 437 836-3660

Website: ancfsao.ca

Ontario Association of Children's Aid Societies

Telephone: 416 987-7725

Toll free: 1 800 718-1797

Website: oacas.org

Resources

- [Early Childhood Educators Act, 2007](#)
- [Child Youth and Family Services Act, section 125](#)
- [Practice Note on Beliefs and Biases](#)
- [Practice Note on Ethical Decision-Making](#)
- [Practice Note on Professional Judgment](#)
- [Racism and Bias in Reporting to Child Welfare](#)
- [Reflection Guide on Beliefs and Biases](#)
- [Reflection Guide on Duty to Report](#)

References

- ¹ CYFSA section 125
- ² CYFSA section 1(1)
- ³ CYFSA section 35(1)
- ⁴ Ontario Association of Children’s Aid Societies, [“Duty to Report”](#) (2022)
- ⁵ CYFSA section 125(10)
- ⁶ CYFSA section 74(2) and section 125(1)
- ⁷ Ontario Association of Children’s Aid Societies, [“What is Child Abuse?”](#) (2022)
- ⁸ CYFSA section 125(1) paragraphs 1 and 2
- ⁹ CYFSA section 125(1) paragraph 5
- ¹⁰ CYFSA section 125(1) paragraphs 3 and 4
- ¹¹ CYFSA section 125 (1) paragraphs 4.1 and 4.2
- ¹² Canadian Centre for Child Protection, [“Understand and Identify Child Sexual Abuse”](#) (2021); Ontario Association of Children’s Aid Societies, [“What is Child Abuse?”](#) (2022); World Health Organization, [“Report of the Consultation on Child Abuse Prevention”](#) (1999)
- ¹³ Canadian Centre for Child Protection [“Child Sexual Abuse: It’s your business”](#) (2021); College of Early Childhood Educators [“Facts About Child Sexual Abuse”](#) (2022)
- ¹⁴ CYFSA section 125(1) paragraphs 6 and 8
- ¹⁵ CYFSA section 125 (1) paragraphs 7 and 9
- ¹⁶ Department of Justice Canada, [“Family Violence”](#) (2022)
- ¹⁷ CYFSA section 125(1) paragraph 10
- ¹⁸ CYFSA section 125(1) paragraph 11
- ¹⁹ CYFSA section 125(1) paragraph 12
- ²⁰ CYFSA section 125(1) paragraph 13
- ²¹ CYFSA section 125(4)
- ²² CYFSA section 125(3)
- ²³ CYFSA section 125(2)
- ²⁴ CYFSA section 125(5) and 125(9)
- ²⁵ CYFSA section 125(8) and 125(9)
- ²⁶ O. Reg 223/08 section 2(21)
- ²⁷ O. Reg 223/08 section 2(8) and 2(10)
- ²⁸ College of Early Childhood Educators, [“Racism and Bias in Reporting to Child Welfare”](#) (2022)
- ²⁹ [Code of Ethics and Standards of Practice](#), pg 25. (2017)
- ³⁰ Ministry of Children, Community and Social Services, [“Reporting Child Abuse and Neglect: It’s your duty”](#) (2021)
- ³¹ CYFSA section 1(2)



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Cette publication est également disponible en français sous le titre : *Avis professionnel : Devoir de faire rapport*

If you require an accessible format or communications support, please contact us at 1 888 961-8558 / communications@college-ece.ca.

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