

CAS Investigations

Dear HDEAA Member,

We have been made aware that a CAS file has been opened by the Halton Children's Aid Society involving you. We recognize that this is a very stressful situation for you and are reaching out to you to give you some insight into the investigation process and let you know that we are here to support you through this.

If you think you may have an idea about what the alleged incident is about, we suggest writing down information about the incident(s), people involved, names of potential witnesses etc., while it is fresh in your mind. You are allowed to refer to these notes during your interview if needed.

Please read through the information provided and reach out if you have any questions or concerns.

As soon as you know of an allegation against yourself:

- Make no statement to anyone regarding the allegation or charges. DO NOT discuss the complaint with anyone else, even your principal or vice-principal before you have been advised by your Union.
- Respond with, "I am willing to co-operate, but I am unable to comment until I contact my Union."
- If you have been assigned home, you are not to have any contact with the students or teachers on staff and you should not discuss the allegations with anyone other than your Union while the investigation is underway.
- If you have been advised by the Board that you have been permitted to continue with your duties at your school pending the CAS and Board investigation, you are not to discuss the details or proceedings with any staff, students, or other persons in connection to the school

This is a confidential process, no one needs to know your business. If your co-workers are reaching out to you – simply state "Thank you for your concern, I am fine". Do not talk to or communicate with colleagues or anyone else about the investigation. They may be placed in a position of being witnesses.

Allegations:

An allegation can surround verbal, physical, emotional, and sexual abuse and/or neglect. It also addresses a pattern of abuse and risks of harm.

- **Physical abuse** is any deliberate physical force or action, by a parent or caregiver, which results, or could result, in injury to a child. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing a child. Using belts, sticks or other objects to punish a child can cause serious harm and is also considered abuse.
- **Neglect** occurs when a caregiver fails to provide basic needs such as adequate food, sleep, safety, education, clothing, or medical treatment. It also includes 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 offered and refused.

- **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 his or her capacity. Emotional abuse includes constantly criticizing, teasing, belittling, insulting, rejecting, ignoring, or isolating the child. It may also include exposure to domestic violence.
- **Sexual abuse** occurs when a child is used for the sexual gratification of an adult or an older child. The child may co-operate because he or she wants to please the adult or out of fear. It includes sexual intercourse, exposing a child's private areas, indecent phone calls, fondling for sexual purposes, watching a child undress for sexual pleasure, and allowing/forcing a child to look at or perform in pornographic pictures or videos or engage in prostitution.

The Investigation Process

CAS Investigation

A complaint can be made by anyone such as a student, parent, a co-worker, a visitor to the school or school administrator etc. CAS investigates all complaints, no matter how frivolous or vexatious they seem.

There will be two investigations. The first/initial investigation will be conducted by CAS. A CAS caseworker will reach out to you to set up a meeting time to discuss the alleged complaint. You have the right to union support during this interview. Make sure to let them know if you want your union present and reach out to us to let us know about the offered meeting date.

At the conclusion of an investigation, you will be notified, in writing, of the outcome from CAS. One of the following conclusions will be referenced in the CAS report:

Inconclusive: Critical information necessary for establishing the probability that abuse occurred or did not occur, cannot be obtained. (This conclusion is not used as a "default" for cases where the decision to verify or not to verify is difficult to make.)

Not Verified: A decision that, on the balance of probabilities, it is not "more probable than not" that the harm or risk of harm has occurred.

Verified: A decision that, on the balance of probabilities, it is more probable than not that the harm or risk of harm has occurred, currently exists, or is likely to occur.

CAS is required to place information regarding the investigation on a child protection provincial database. They are also required to provide the outcome of the investigation to the school board and may be required to provide this information to other parties, to ensure the protection of children.

HDSB Internal Investigation

At the conclusion of the investigation from CAS, the school board has the right to conduct their own internal investigation. If the Board, having conducted its own investigation, concludes that the staff member is guilty of inappropriate behaviour, the Board may proceed to take disciplinary action up to and including dismissal. You have the right to union support during this meeting.

The following language is an excerpt taken directly from the
HDSB's Administrative Procedure -
"Child Abuse-Reporting Procedure"

...The following process will apply:

- *The alleged offender may be assigned home with pay. Where the employee is on home assignment, they will not have access to children or the workplace during the investigation.*
- *At the discretion of the Superintendent of Human Resources, or designate, the employee may remain in the workplace and not assigned home. This approval will depend on a variety of factors, including the nature and seriousness of the allegations, as well as risk to students and staff.*
- *Notwithstanding the decision not to assign the employee home, the CAS investigation will proceed accordingly.*

• ***The Superintendent of Human Resources or designate will:***

- send the alleged offender confidential written confirmation regarding non-work status and/or that CAS has initiated an investigation.
- provide an absence code and project number where required;
- make necessary arrangements re: SmartFind in the case of casual/on call workers.
- determine whether a board investigation will occur at the conclusion, or in lieu of a CAS investigation; and
- send the employee written confidential confirmation regarding the outcome and/or any action required or to be taken as a result of the investigation.
- CAS will notify the Superintendent of Human Resources, or designate, of the outcome of the investigation upon its conclusion.

The Principal/Vice Principal will meet with the employee to notify them that a CAS complaint has been filed against them. "When" the employee is told is at the discretion of the administrator, but it should be done as quickly and professionally as possible.

The Meeting: Advise the employee that they may contact and remain in contact with their union representative immediately following the meeting to provide representation throughout the investigative process.

Proceed by telling the employee the nature or reason for the meeting [do not disclose student(s) name(s)] and that they should not discuss the allegations with anyone other than their Union Representative or counsel.

Where applicable, while the investigation is underway, advise the employee they will be assigned home with pay for non-disciplinary reasons. Employees assigned home with pay are not to have any contact with the student(s), parent(s)/guardian(s) or staff in HDSB.

Inform the employee that support is available through the Board's Employee and Family Assistance Program. The employee will receive formal correspondence from the Board regarding the matter.

Casual or occasional employees are assigned home with pay for committed assignments only or in accordance with their collective agreement.

Board Investigation:

Where the Superintendent of Human Resources deems that a Board investigation must occur following the CAS investigation, or in lieu of a CAS investigation, one will be initiated. The Board investigation will be one that determines 'on the balance of probabilities' whether the alleged conduct occurred, for the purposes of making ongoing employment decisions

The Board investigation may be conducted by a Labour Relations Officer from the Board office, or in certain circumstances/situations, by the Principal of your school. The Board will indicate this information to you in a letter.