



Reporting and Responding to Allegations of Abuse and Neglect in Regulated Early Learning and Child Care Programs

A Protocol for Early Learning and Child Care
Licensees, Staff, and Care Providers

October 2024



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Definitions

For the purposes of this protocol:

Care Provider means a person who is approved by a licensed family home child care agency to provide a child care program in the person's home.

Child means a person under nineteen (19) years of age (Children and Family Services Act).

Child Abuse means a child is in need of protective services pursuant to Section 22(2) of the Children and Family Services Act. Please refer to Pages 5-6 for the definition of a child in need of protective services and Pages 6-8 for what constitutes mandatory reporting of third-party abuse of the Children and Family Services Act.

Child and Family Wellbeing (DCS) Agency refers to an agency of the Department of Community Services (DCS) operating pursuant to the Children and Family Services Act (CFSA) and includes the Minister where the Minister is acting as an agency.

Child and Family Wellbeing is a division of the Department of Community Services overseeing matters related to child and family wellbeing.

Department of Community Services (DCS) is responsible for helping people live more independent and healthier lives by providing a range of social services, including employment support and skills training, income assistance, affordable housing and youth and family supports. DCS is also responsible for child protection services, the foster care system and disability support programs.

Department of Education and Early Childhood Development (EECD) is responsible for children's education, including early years, and primary to grade 12 in English and French in public schools across the province.

Early Learning and Child Care (ELCC) is a Branch of the Department of Education and Early Childhood Development overseeing matters related to regulated child care in the Province of Nova Scotia.

Early Learning and Child Care (ELCC) Program Director is the person, or designate, who coordinates the administration and service delivery of a licensed child care facility or a family home child care agency.

Early Learning and Child Care (ELCC) Program refers to play-based learning environments overseen by government where young children between 0 – 12 years of age spend a portion of their day without their parents. This includes licensed child care facilities, licensed family home child care (FHCC) agencies, and approved family child care homes.

Early Learning and Child Care (ELCC) Staff refers to any person employed by a licensed child care facility or a family home child care agency. In accordance with Section 30 of the *Early Learning and Child Care Regulations* and in terms of this child abuse protocol, any volunteer of a licensed child care facility or a family home child care agency shall be considered ELCC staff.

Family Home Child Care Agency (FHCC) refers to a licensed, provincially funded organization which recruits, approves, and supports individual family home child care programs.

Intake Social Worker means a social worker employed by DCS / MFCS who receives reports of suspected abuse.

Licensee means the person in whose name a license has been issued under the *Early Learning and Child Care Act*.

Licensing & Compliance Services is a program of the ELCC Branch, Department of Education and Early Childhood Development that oversees matters related to licensed child care facilities and family home child care agencies in Nova Scotia.

Mi'kmaw Family and Children's Services of Nova Scotia (MFCS) helps children and families through programs and services designed, developed, and guided by Mi'kmaw culture. MFCS takes a holistic approach to prevention and care to support the well-being of families and communities. MFCS is mandated by the CFSA to deliver child welfare services to Mi'kmaq community members covering the 13 Nova Scotia bands who inhabit 23 First Nations communities. These First Nations are located throughout the province and represent a mixture of urban, rural, and isolated communities.

Referral Source is any person or entity, including licensees, ELCC staff, and care providers that refer allegations of abuse and neglect to the Department of Community Services (DCS) or Mi'kmaw Family and Children's Services of Nova Scotia (MFCS.)

Reporting means referring concerns of child abuse or neglect to a mandated DCS/ MFCS agency pursuant to Section 22 (2), 23), 24(24(A), 25and 25(A) of the *Children and Family Services Act*.

Introduction

Early Learning and Child Care (ELCC) staff and family home child care providers (care providers) are in a unique position to identify and report suspicions of child abuse. It is critical that they have a solid understanding of the elements related to child abuse including:

- the definitions of abuse and neglect.
- the legal and professional responsibilities.
- the possible indicators of abuse; and
- the reporting procedures.

This protocol is intended to provide licensees, ELCC staff, and care providers with the information they need to respond when there is a suspicion or allegation of child abuse. This protocol is intended for use by all licensed child care facilities, licensed family home child care (FHCC) agencies, and approved family home child care programs. The information contained in this document may also be of interest to others who work with families and young children in their community (e.g., Pre-primary Programs, Nova Scotia Before and After School Programs, family resource centers, Early Childhood Education training institutions)

The primary purpose of the protocol is to establish a set of standardized practices and procedures to be used by licensees, ELCC staff, care providers, and by Department of Community Services (DCS) and Department of Education and Early Childhood Development (EECD) staff when there are concerns that a child may have been, is being, or is likely to be, abused or neglected.

The second purpose of this protocol is to help licensees, ELCC staff, and care providers understand when to make a report, what the reporting process is (e.g., who reports), and what steps to take once a report is made.

The third purpose of this protocol is to help licensees, ELCC staff, and care providers understand their roles and responsibilities, in addition to those held by social workers and the police, when an allegation that a child is in need of protective services is made, and what to expect when a report is being investigated.

Online, self-paced training on this protocol is available. Protocols are only effective if they are understood and followed. Contact your Early Childhood Development Consultant for more information on how to register for the training (Appendix I).

Reporting and Responding to Allegations of Abuse and Neglect of Mi'kmaw children

It is critical that ELCC staff and care providers have a solid understanding of reporting and responding to allegations of abuse and neglect of Mi'kmaw children.

The duty to report and respond to allegations of abuse and neglect in regulated ELCC Programs is outlined in the *Child and Family Services Act (CFSA)* and *Early Learning and Child Care Act (ELCCA)*.

On June 21, 2019, *An Act respecting First Nations, Inuit, and Métis children, youth, and families (Bill C-92)* received Royal Assent. "This enactment affirms the rights and jurisdiction of Indigenous peoples in relation to child and family services and sets out principles applicable, on a national level, to the provision of child and family services in relation to Indigenous children, such as the best interests of the child, cultural continuity and substantive equality¹."

This child abuse protocol is intended to provide licensees, ELCC staff, and care providers in regulated ELCC Programs with the information they need to respond when there is a suspicion or allegation of child abuse. In respecting Bill C-92, and in development with Nova Scotia Mi'kmaw Family and Children's Services (MFCS), the following will be considered when there are allegations of abuse and neglect of Mi'kmaw children:

1. Allegations of child abuse or neglect of Mi'kmaw children whose primary residence is in a Nova Scotia First Nations community will be reported to the nearest MFCS office.
2. Allegations of child abuse or neglect of Mi'kmaw children whose primary residence is located outside of a Nova Scotia First Nations community will be reported to the nearest Department of Community Services office.
3. ELCC programs administered in Nova Scotia First Nations communities are not provincially regulated, therefore they fall outside the scope of this child abuse protocol and associated training.

There are thirteen (13) First Nations communities in located in Nova Scotia:

- Acadia First Nation
- Annapolis Valley First Nation
- Bear River First Nation
- Eskasoni Mi'kmaw Nation
- Glooscap First Nation
- Membertou First Nation
- Millbrook First Nation
- Paqtnkek Mi'kmaw Nation
- Pictou Landing First Nation
- Potlotek First Nation (formerly Chapel Island)
- Sipekne'katik First Nation (formerly Indian Brook/Shubenacadie)
- Wagmatcook First Nation
- We'koqma'q First Nation

¹ Bill C-92: *An Act respecting first Nations, Inuit and Métis children, youth and families.* (2019). Royal Assent June 21, 2019, 42nd Parliament, 1st Session. Retrieved from the Parliament of Canada website: <https://www.parl.ca/DocumentViewer/en/42-1/bill/c-92/royal-assent>

General Principles

1. Children have a right to be protected from abuse and neglect.
2. Children are cared for, as possible, as if they were under the care and protection of loving, wise, and conscientious parents.
3. Children have a right to be heard, supported, and informed.
4. As a society, we have a collective responsibility for the safety and well-being of all children.
5. All ELCC staff and care providers have the responsibility to protect children from abuse and neglect.
6. All ELCC staff and care providers should have a general understanding of the indicators of abuse, recognize a disclosure, and provide follow-up support to children.
7. Social workers responding to child protection concerns have the mandate, experience, and support in assessing allegations of abuse and family support needs.
8. When a child protection intervention is warranted, there are a variety of factors to consider when determining a priority level and response time.
9. The confidential nature of responses to child abuse concerns will be respected and upheld at all times.

Definitions of Abuse and Neglect

Abuse of a child can be classified into five categories. In each of these categories, the abuse or neglect has already occurred, or there is a substantial risk that it may occur.

- Neglect
- Physical abuse
- Sexual abuse
- Emotional abuse
- Family violence

Although these categories may be useful in principle, it is not unusual for a child to suffer more than one form of abuse. For example, children who have been physically abused may also have been told that they deserve the punishment they are getting, which constitutes emotional abuse and may impact their social-emotional well-being.

Neglect

Neglect means the chronic and serious failure to provide the child adequate food, clothing or shelter, adequate supervision, affection, or cognitive stimulation, or any other similar failure to provide.

Physical Abuse

Physical abuse includes all acts by a person which result in physical harm to a child. Physical abuse may result from inappropriate or excessive discipline. Although cultural factors may play a role in caring for or disciplining children, physical injury to a child is unacceptable. The person may not have intended to hurt the child. This may involve minor injury (e.g. a bruise), to a more serious injury, causing permanent damage or death (e.g. Inflicted Head Trauma formally referred to as Shaken Baby Syndrome).

Sexual Abuse

Sexual abuse means the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist any other person to engage in, any sexually explicit conduct or stimulation of such conduct, or the use of a child in, or exposure to, prostitution, pornography, or any unlawful sexual practice.

Emotional Abuse

Emotional abuse means acts that seriously interfere with a child's healthy development, emotional functioning, and attachment to others such as rejection, isolation, including depriving the child from normal social interaction, deprivation of affection or cognitive stimulation, inappropriate criticism, humiliation, or expectations of or threats or accusations towards the child, or any other similar acts.

Family Violence

A range of abusive behaviors including threats, coercion, and/or controlling behaviors that cause the victim to fear for their safety or cause financial victimization, physical assault, or sexual assault, any of which occur within relationships based on kinship, intimacy, dependency, or trust. A child may be overtly physically harmed during a family violence incident or indirectly harmed as a result of exposure to violence in the home. Indirect harm may result from the child seeing or hearing the incident, or being aware of the violence through indirect observations of the violence, such as physical injuries, tension in the home, verbal disagreements, broken objects, etc.

Legislative Framework for Intervention

In Nova Scotia, the *Children and Family Services Act* (CFSA) provides the mandate for intervention by DCS / MFCS. In Canada, *Bill C-92: An Act Respecting First Nations, Inuit and Metis Children, Youth and Families*, provides the legislative requirements, on a national level, for the provision of child and family services in relation to Indigenous people. The CFSA and federal legislation outline the provision of prevention and supportive services. The CFSA outlines the grounds under which a child may be found to be in need of protective services and provides the mandate for various protective interventions to address the safety needs of the child.

Under the CFSA, a child is defined as a person less than nineteen (19) years of age.

Section 13 of the CFSA provides the legislative authority to provide supportive services to promote the integrity of the family.

Section 22(2) of the CFSA provides the legal framework for agency intervention into allegations of abuse or neglect within or outside of ELCC Programs.

When to Report

Section 22 of the Children and Family Services Act states that:

- 2) *A child is in need of protective services where:*
- (a) the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately.*
 - (b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a).*
 - (c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child.*
 - (d) there is a substantial risk that the child will be sexually abused as described in clause (c).*
 - (e) a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment.*
 - (f) the child has suffered emotional abuse, inflicted by a parent or guardian of the child, or caused by the failure of a parent or guardian to supervise and protect the child adequately.*
 - (g) there is substantial risk that the child will suffer emotional abuse, and the parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the abuse.*
 - (h) 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 guardian does not provide,*

refuses or is unavailable or unable to consent to, or fails to cooperate with the provision of, services or treatment to remedy or alleviate the condition.

- (i) the child has been exposed to, or has been made aware of, violence by or towards
 - i. a parent or guardian, or*
 - ii. another person residing with the child, and the parent or guardian fails or refuses to obtain services or treatment, or to take other measures, to remedy or alleviate the violence.**
- (j) the child is experiencing neglect by a parent or guardian of the child.*
- (k) there is a substantial risk that the child will experience neglect by a parent or guardian of the child, and the parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the harm.*
- (ka) the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child's care and custody.*
- (kb) the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody.*
- (l) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, the necessary services or treatment.*
- (m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of a parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately.*

Legal Responsibility to Report

Section 23 of the Children and Family Services Act states in part:

Duty to report

- (1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.*
- (2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.*
- (3) Every person who contravenes subsection (1) commits an offense.*

Section 24 of the same Act states in part:

Duty of professionals and officials to report

(2) Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including:

(a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist.

(b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator, or employee of a child-care facility.

(c) a peace officer or a medical examiner.

(d) an operator or employee of a child-caring facility or child-care service.

(e) a youth or recreation worker,

who, in the course of that person's professional or official duties, has reasonable grounds to suspect that a child.

(f) has or may have suffered abuse.

(g) is or may be suffering abuse; or

(h) is or may be about to suffer abuse in the imminent future,

shall forthwith report the suspicion and the information upon which it is based to an agency.

Duty to report location of child (24A)

(1) Every person who receives notice from an agency that there are reasonable and probable grounds to believe that a child is in need of protective services shall, upon obtaining information that would allow the child to be located, forthwith report the information to the agency.

(2) This Section applies whether or not the information obtained is confidential or privileged.

(3) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

(4) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(5) No proceedings may be instituted pursuant to subsection (4) more than two years after the contravention occurred.

(6) Every person who falsely and maliciously reports information to an agency pursuant to subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Under this Act, any licensee, ELCC staff or care provider who has information to suspect a child may be abused or neglected must report their concerns to the local DCS / MFCS Agency. Failure to do so may constitute an offence punishable by no more than \$5000 and/or imprisonment for a period not exceeding one year.

Abuse or neglect need not have already occurred for a child to be in need of protection. It is not necessary to wait until a child has been harmed to make a report. When abuse or neglect is suspected and there are reasonable grounds to believe a child needs protective services, the legal obligation to report applies.

Where the alleged harm to a child under the age of 16 years is believed to be caused by a third party, that is, the alleged perpetrator is someone other than the child's parent or guardian, it must be reported to a DCS / MFCS agency. For the purposes of this Protocol, a third party may include an ELCC staff, care provider or another child attending an ELCC program.

Section 25(1) of the Children and Family Services Act states:

Duty to report third-party abuse.

In this Section, a child is abused by a person other than a parent or guardian if the child.

- (a) suffers physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately.*
- (b) is sexually abused by another person other than a parent or guardian of the child or by another individual where the person, not being a parent or guardian of the child, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child; or*
- (c) Suffers serious emotional abuse, caused by the intentional conduct of a person other than a parent or guardian of the child.*

Section 25(2), states that:

Every person who has information, whether confidential or privileged, indicating that a child under the age of sixteen

- (a) has or may have suffered abuse.*
- (b) is or may be suffering abuse; or*
- (c) is or may be about to suffer abuse in the immediate future, by a person other than a parent or guardian shall forthwith report the information to an agency.*

It is the licensee, ELCC staff, and care provider's responsibility to report suspicions and disclose knowledge of abuse. It is not their responsibility, as reporter, to investigate or prove that abuse is taking place before a report is made. A report is not an accusation; it raises concern, as required by law. The local DCS / MFCS Agency may have additional information from other sources that combined, raises potential risk factors.

ELCC staff and care providers must exercise their responsibility to make a referral prior to informing their ELCC Program Director. Where a reporter makes a referral in opposition to the view of their Director, the reporter shall not be subjected to any negative consequences. There will be no sanctions against them for reporting a concern for a child's safety or wellbeing in good faith, including

compensation, tenure, promotion, discipline, alienation, etc. It is important to be aware that the duty to report is only fulfilled when a report is made to a DCS/ MFCS agency.

The Director ensures that all ELCC staff and care providers know who the designated person is in their absence. In the event the Director is absent, their designate is responsible for executing the roles and the responsibilities of the Director if an allegation is made. The designate is also responsible for executing roles and responsibilities related to referring abuse in cases where the allegations involve the Director.

In the event an ELCC staff or care provider must exercise their responsibility to make a referral, they must fill out the *Child Abuse Referral Form* (Appendix II) of this document. It is the responsibility of the Director to ensure all ELCC staff and care providers always have quick and easy access to the Child Abuse Referral Form for immediate use. A digital version can also be accessed online at <https://www.ednet.ns.ca/earlyyears/providers/index.shtml>.

Legislative Framework for Regulated Child Care Settings

ELCC Programs should have procedures in place for their staff and care providers to follow for the documentation of concerns about children's overall well-being and development. This should include factual and unbiased documentation of observations of children's behaviors, the children's responses to parent(s) or guardian(s), the children's responses to those working in the ELCC program, the children's interaction with other children, the children at play, etc.

All licensees, ELCC staff and care providers have the duty to report a suspicion that a child is suffering abuse, may be at risk, or has been abused or neglected. If a licensee, ELCC staff or care provider has any concerns that a child may be in need of protection under the Children and Family Services Act, they must contact a DCS / MFCS Agency (Appendix I).

Section 30 of the *Early Learning and Child Care Regulations* states:

"When there is reasonable belief that a child enrolled in a child-care program has been abused within the meaning of the *Children and Family Services Act*, the licensee and each staff member, care provider and volunteer of the licensee must in addition to the requirements of that Act, follow the Department's child abuse protocol for regulated child care."

The following sections outline the steps of this protocol that should be taken to make a report.

Reporting Alleged Abuse when a Parent or Guardian is Suspected

Immediate Steps for ELCC staff and care providers

1. **First and foremost, ensure the health and safety of the identified child.**
2. **The person who suspects the abuse or who has received the disclosure, will fill out the *Child Abuse Referral Form* (Appendix II) as soon as possible, accurately documenting the allegation or disclosure.** Where a child has disclosed, use the child's own words. Record any other information that has led to the concerns for the child, such as the child's behavior, the child's response to parent(s) or guardian, the child's response to ELCC staff and care providers, the child's interaction with other children, observations of the child at play, etc. The information provided must be relevant, objective (e.g., facts without personal feelings, biases, or interpretations) and accurate.
3. **Telephone the DCS / MFCS agency (Appendix I) closest to where the child resides to make a report to the intake social worker.** Inform the intake social worker that you are a person associated with an ELCC program. Provide the intake social worker with the information as per the *Child Abuse Referral Form*. Record on the form any information provided by the intake social worker which may include recommended actions to ensure the safety and protection of the alleged victim, other children, and/or the alleged perpetrator (this may include separating the identified child and the alleged perpetrator).
4. **Immediately inform the ELCC Program Director (or the designate) that a report to the DCS / MFCS agency has been made. In the case of an FHCC program, the child care provider will inform the Agency Director.**
5. **Send a copy of the *Child Abuse Referral Form* to the intake social worker** (e.g., email, fax, mail, etc.). The original form, and any other related notes, should be kept in a confidential, separate, and secure file.
6. **Do not interview the child victim or any others involved in the matter.** It is not the responsibility of the person who made the report or the Director of the ELCC program to prove the allegations.
7. **Do not notify parents or guardians that a report has been made.** It is not the responsibility of the person who made the report or the Director of the ELCC program to notify parents or guardians that a report has been made. If required, this will be done by the DCS / MFCS agency.

Roles/Responsibilities of the Child Protection Intake Social Worker

1. The DCS / MFCS Agency will assess the allegations to determine if there are grounds under the *Children and Family Services Act* to intervene.
2. The DCS / MFCS Agency will provide written acknowledgement to the referral source that a report has been made and whether it will be investigated.
3. Response times to start an investigation are based on the level of risk and the nature of the alleged abuse and will range from one hour to 21 calendar days of the report being received. The DCS Agency will notify the parents or guardians of concerns raised and DCS response to these concerns.
4. For confidentiality reasons, the referral source may not be informed of the investigation's outcome.
5. In rare cases, it may be necessary to take a child directly into care from the early learning and child care program. In this event, DCS / MFCS Agency staff must serve an official notice called *A Notice of Taking into Care* and will present this official document to the Director (or the designate) of the ELCC program. DCS / MFCS Agency staff will present identification when taking a child into care.

In all cases, confidentiality must be maintained. Allegations must not be discussed with any individuals other than the licensee, ELCC Program Director, or those involved in the investigative process.

Reporting Alleged Abuse when an ELCC Staff, Care Provider or Another Child is Suspected

Immediate Steps for ELCC Staff and Care Providers

1. First and foremost, ensure the health and safety of the identified child.
2. If the allegations are made by a parent, guardian or others working in the ELCC program, inform the person making the allegation of their duty to report the allegation directly to the DCS / MFCS Agency. Advise the person that you are also obligated to make a report immediately.
3. If the allegation is against another child, the Director of the ELCC program shall take immediate and appropriate action to ensure that:
 - both children are kept separate from each other; and
 - each has appropriate support and supervision.
4. The ELCC staff or care provider who suspects the abuse or who has received the disclosure, shall fill out the *Child Abuse Referral Form* (Appendix II), accurately documenting the disclosure and allegation as soon as possible. Where a child has disclosed, use the child's own words. Record any other information that has led to the concerns for the child, such as the child's behavior, the child's response to ELCC staff and care providers, the child's interaction with other children, observations of the child at play, etc. The information provided must be factual (e.g., facts without personal feelings, biases, or interpretations) and accurate.
5. Contact the DCS / MFCS Agency (Appendix I) closest to the child's home and make a report to an intake social worker. Inform the intake social worker that you are a person associated with an ELCC program. Provide the intake social worker with the information as per the *Child Abuse Referral Form*. Record any information provided by the intake social worker which may include recommended actions to ensure the safety and protection of the alleged victim, other children, and/or the alleged perpetrator (this may include separating the identified child and the alleged perpetrator).
6. Immediately inform the ELCC Program Director (or the designate) that a report to the DCS / MFCS Agency has been made. When the allegation is against a staff member or care provider, inform the ELCC Director that a report to the DCS / MFCS agency has been made and of any immediate actions required.

When the allegation is against the ELCC Director, notify the chair of the board of directors or the licensee that a report has been made and of any immediate actions required. When the allegation is against the Licensee (e.g., operator/owner) or a member of the board, contact EECD Licensing Services (Appendix I) for further directions.
7. Forward a copy of the *Child Abuse Referral Form* to the intake social worker (e.g., email, fax, mail, etc.). The original form and any other notes should be kept in a separate, confidential, and secure file at the early learning and child care program. Once the report is received, based on the level of risk and the nature of the alleged abuse, response times to investigate will range from one hour to 21 calendar days.

Roles/Responsibilities of the Child Protection Intake Social Worker

1. The DCS / MFCS agency will assess the allegations to determine if there are grounds under the *Children and Family Services Act* to intervene.
2. The DCS / MFCS agency will provide written acknowledgement to the referral source that a report has been made and whether it will be investigated (Appendix III).
3. The DCS / MFCS agency will also then notify the Manager, Licensing and Compliance in writing using the *Notification of Decision Whether to Investigate Form* (Appendix IV).
4. If an investigation is determined, proceed to the next section of this protocol.
5. Response times to investigate are based on the level of risk and the nature of the alleged abuse and will range from one hour to 21 calendar days after the report is received. The DCS / MFCS agency will notify the parents or guardians.

In all cases, confidentiality must be maintained. Allegations must not be discussed with any individuals other than the licensee, ELCC Program Director or those involved in the investigative process.

When an Investigation is Required for Alleged Abuse by an ELCC Staff Member or Care Provider

Immediate Steps to be taken by the ELCC Program Director

1. The ELCC Program Director (or designate if the Director is the alleged perpetrator) will discuss with the DCS / MFCS agency to ensure that the most appropriate steps and/or precautions are taken to ensure the safety of the children and/or the alleged perpetrator, which may include separating the alleged perpetrator from the children.
2. Advise the alleged perpetrator who works in the ELCC program that:
 - An allegation of abuse has been made against them. Do not disclose the identity of the child.
 - A report has been made to a DCS / MFCS agency and an investigation will take place.
 - They do not have to discuss the incident. Reassure them that not making a statement will not be interpreted as an indication of guilt.
 - They have the right to contact a lawyer and/or their union representative if the facility is unionized.
3. Advise the alleged perpetrator who works in the ELCC program of what action the ELCC program is taking in accordance with options outlined in the program employee or care provider handbook concerning the treatment of ELCC staff and care providers accused of child abuse.
4. Do not reveal details about the alleged incident to the alleged perpetrator. Do not disclose the identity of the child. An investigative team member or police will provide this information at the appropriate time.
5. Advise the alleged perpetrator that all reasonable steps will be taken to keep them informed.
6. The ELCC Program Director (or designate if the Director is the alleged perpetrator) shall cooperate with the DCS / MFCS agency and/or the police in the investigation of the matter. This may include the provision of all relevant information or documentation, access to the alleged child victim or other staff or care provider, where necessary, and the provision of interview space, if required.
7. The ELCC Director (or designate if the Director is the alleged perpetrator) should record every contact and conversation pertaining to the investigation. Include in the notes: the time, date, and details of all exchanges with investigators, board members and other employees. Be specific, objective, and accurate in these records. This information will be beneficial should legal proceedings take place.
8. The ELCC Director (or designate if the Director is the alleged perpetrator) shall maintain the *Child Abuse Referral Form* and all other documentation related to the investigation in a secure file separate from other program files and accessible only to the DCS / MFCS agency, the person who made the report, and to the ELCC Program Director (or designate if the Director is the alleged perpetrator).

Roles/Responsibilities of the Child Protection Intake Social Worker

1. The investigating DCS / MFCS agency will ensure that the child's parent(s) or guardians, alleged perpetrator, ELCC program Director are informed of the outcome of the investigation.
2. The Manager, Licensing and Compliance will be advised of the outcome using the *Notification of Outcome of Investigation Form* (Appendix V).

In all cases, confidentiality must be maintained. Allegations must not be discussed with any individuals other than the licensee, ELCC Program Director or those involved in the investigative process.

Record Management and Confidentiality

Individuals involved in an alleged case of child abuse will have access to highly confidential information. Information must not be discussed with other staff, care providers, children, parents, EECD staff, or members of the public except on a need-to-know basis.

It is important that, from the beginning of the investigation, the ELCC Licensee and Program Director (or the designate) document all contact and conversation pertaining to the investigation. Notes should include the time, dates, and details of all exchanges with investigators, board members, and other ELCC staff and care providers. These records should be as specific and accurate as possible. Should legal proceedings take place, or if an appeal is necessary, this information will be required.

All written records, notations or reports related to an investigation are confidential and are not to be placed in the child's regular file or in any other way allowed to become known to individuals who have no legitimate need for such information. A separate CONFIDENTIAL file is required to hold any documentation. The police or DCS / MFCS staff involved may request access to this file. Files and notes relating to the case documented by ELCC staff and care providers can be subpoenaed as evidence by either the police or the DCS / MFCS agency.

Documentation must include the date of notation and the recorder's signature. Content should be accurate and kept in chronological order. A copy of all documents should be kept on file at licensed ELCC facilities and approved FHCC care provider homes. The DCS / MFCS staff involved may request that additional documentation and records be kept during an investigation. Such a request should be made to the ELCC program in writing by the DCS / MFCS agency.

This confidential file is not part of the child information records required by the *Early Learning and Child Care Regulations* (Section 31). Consult with your EECD Licensing Officer before discarding any such files.

Appendix I – Contact Information

Contact Information

Provincial DCS / MFCS Agency Contact Information

Central Region

Dartmouth District Office I and II

Department of Community Services
103 Garland Ave, Suite 101
Dartmouth NS B3B 0K5

Phone: 902-424-3298

Fax: 902-424-0625

Halifax District Office

Department of Community Services
6009 Quinpool Road, 4th Floor
Willow Tree Tower
Halifax, NS B3K 5J7

Phone: 902-425-5420

Fax: 902-422-9424 or 902-477-3895

Sackville District Office

Department of Community Services
Suite 3400, 40 Freer Lane
Lower Sackville, NS B4C 0A2

Phone: 902-869-3600

Fax: 902-864-4669

Provincial After-Hours Response Team

902-424-2434 or 1-866-922-2434

Eastern Region

Glace Bay District Office

Department of Community Services
633 Main Street
Glace Bay, NS B1A 6J3

Phone: 902-842-4000

Fax: 902-842-4067

Sydney District Office

Cape Breton-Victoria District Office
Department of Community Services
Suite 31, Provincial Building, 360 Prince
St. Sydney, NS B1P 5L1

Phone: 902-563-3400

Fax: 902-563-3367

North Sydney District Office

Cape Breton-Victoria
Department of Community Services
185 Commercial St.
North Sydney, NS B2A 3Y7

Phone: 902-794-5100

Fax: 902-794-5191

Inverness-Richmond District Office

Department of Community Services
218 MacSween Street, Unit 3

Port Hawkesbury, NS B9A 2J9

Phone: 902-625-0660

Fax: 902-625-4021

Provincial After-Hours Response Team

1-866-922-2434

Provincial DCS / MFCS Agency Contact Information (continued)

Northern Region

Main intake line: 1-888-919-4236

Antigonish District Office

Department of Community Services
229 Main Street
Antigonish, NS B2G 2C1

Phone: 902-863-3213

Fax: 902-863-7549

Colchester County District Office

Department of Community Services
60 Lorne St., PO Box 950
Truro, NS B2N 5G7

Phone: 902-893-5950

Fax: 902-893-5609

Cumberland County District Office

Department of Community Services
26-28 Prince Arthur Street, Suite 201
PO Box 399 Amherst, NS B4H 3Z5

Phone: 902-667-3336

Fax: 902-667-1594

Pictou County District Office

Department of Community Services
7 Campbell's Lane
New Glasgow, NS B2H 2H9

Phone: 902-755-5950

Fax: 902-755-7367

Provincial After-Hours Response Team

1-866-922-2434

Western Region

Granville Office Annapolis

Department of Community Services
5495 Granville Road, Granville Ferry, Box 70
Annapolis Royal, NS BOS 1A0

Phone: 902-532-2337

Fax: 902-532-5858

Digby District Office

Department of Community Services
PO Box 399, 84 Warwick Street
Digby, NS B0V 1A0

Phone: 902-532-2337 (Granville/Annapolis Office)

Fax: 902-532-5858

Hants District Office

Department of Community Services
50 Empire Lane, Suite 0090
Windsor, NS B0N 2T0

Phone: 902-798-2289

Fax: 902-798-3669

Shubenacadie Office: Phone: 902-758-1295

Kings District Office

Department of Community Services
76 River Street
Kentville, NS B4N 1G9

Phone: 902-678-6176

Fax: 902-679-0522

Lunenburg District Office

Department of Community Services
Suite 105, Provincial Building
99 High St., Bridgewater, NS B4V 1V8

Phone: 902-543-4554

Fax: 902-543-6186

Provincial DCS / MFCS Agency Contact Information (continued)

Western Region (continued)

Queens District Office

Department of Community Services
PO Box 1360, 123 Henry Hensey Drive
Liverpool, NS B0T 1K0

Phone: 902-354-3525

Fax: 902-354-7460

Yarmouth District Office

Department of Community Services
10 Starrs Rd, Yarmouth, NS B5A 2T1

Phone: 902-742-0700

Fax: 902-742-8945

Provincial After-Hours Response Team

1-866-922-2434

Mi'kmaw Family and Children's Services of Nova Scotia (MFCS)

Shubenacadie Office

PO Box 179
5 Mill Village
Road Suite 202
Shubenacadie,
Hants County,
NS B0N 2H0

Phone: 902-
758-3553

Toll Free: 1-800-263-8686

Fax: 902-758-2390

Eskasoni Office

PO Box 7142
Eskasoni, NS B1W 1A2

Phone: 902-379-2433 or

Toll Free: 1-800-263-8300

Fax: 902-379-2381

Bear River Office

89 Reservation Rd.
Bear River, NS B0S 1B0

Phone: 902-376-3553

Fax: 902-376-2128

Dartmouth Office

111 Isley Ave. 2nd Floor
Dartmouth, NS B3B 1S8

Phone: 902-758-3553 or

Toll Free: 1-800-263-8686

Fax: 902-758-2390

For additional contact information and

Offices with DCS / MFCS Services:

<http://www.gov.ns.ca/coms/departement/contact/ChildWelfareServices.html>

Department of Education and Early Childhood Development (EECD) Contact Information

For contact information at Early Learning and Child Care including Early Childhood Development Consultants (ECDC) please refer to:

<http://www.ednet.ns.ca/earlyyears/contact.shtml>

For contact information at Licensing Services please refer to:

<https://www.ednet.ns.ca/earlyyears/licensing/>

For licensing complaints and concerns, you can call toll free at **1-877-233-9555**.

Appendix II – Child Abuse Reporting Form

Child Abuse Reporting Form

Confidential

Completing this form prior to making a report will assist both the person reporting and the DCS / MFCS agency Intake Social Worker. Information will be provided by the Intake Social Worker during child abuse reporting calls.

It is important to record any information provided by the intake social worker on this form.

Section 1: Child's Information		
Name of Licensed Child Care Facility or FHCC Care Provider Home:		Program Type:
		<input type="checkbox"/> Child Care Facility <input type="checkbox"/> Approved FHCC Care Provider Home
Child's Full Name:		Date of Alleged Abuse (dd/mm/yyyy)
Child's Age:	Date of Birth (dd/mm/yyyy):	Sex at Birth:
		<input type="checkbox"/> Male <input type="checkbox"/> Female
Child's Race:		Does the child have Indigenous status?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
Child's Street Address (including postal code):		
Name of Parent(s) or Guardian(s):	Telephone:	Relationship to Child:
Name(s) of Siblings (If Applicable):		

Section 2: Alleged Perpetrator's Information

Name of Alleged Perpetrator:	Alleged Perpetrator's Relationship to Child:

Alleged Perpetrator's Street Address (including postal code):

Other Information re: Identification and Location of Alleged Perpetrator:

If the alleged perpetrator is an Early Learning and Child Care staff, indicate EMPLOYMENT STATUS (please check):

<input type="checkbox"/> Working with regular responsibilities	<input type="checkbox"/> Under supervision (during investigation)
<input type="checkbox"/> Assigned to administrative duties	<input type="checkbox"/> Has been let go
<input type="checkbox"/> Unknown	<input type="checkbox"/> N/A
<input type="checkbox"/> Other (Please Specify)	

If the alleged perpetrator is an FHCC care provider, indicate APPROVAL STATUS (please check):

<input type="checkbox"/> Currently approved with the agency and working with children
<input type="checkbox"/> Currently approved with the agency but not working with children (during investigation)
<input type="checkbox"/> Unapproved by the agency
<input type="checkbox"/> Unknown
<input type="checkbox"/> N/A
<input type="checkbox"/> Other (Please Specify)

Section 3: Incident Information		
Time Child Usually Arrives at Program:	Time Child Usually is Picked Up:	
Description of the incident and situation, including a statement of the behavioral and/ or physical indicators of abuse. (If more space is needed, attach a separate page):		
Was any other action taken by the person making this report?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, specify actions taken:		
PLEASE COMPLETE THIS SECTION WHEN SPEAKING WITH THE INTAKE SOCIAL WORKER		
Date of Call to Agency (dd/mm/yyyy)	Time:	Agency Contacted (DCS / MFCS):
	<input type="checkbox"/> am <input type="checkbox"/> pm	
Name of Intake Social Worker:		
Actions Recommended by Intake Social Worker:		
What should the response be if the parent/guardian comes to pick up the child before they are contacted by the agency and/or police?		

Section 4: Reporting Information

Name of Person Making This Report:	Position:

Signature: _____ Date: _____

PLEASE PROVIDE THE FOLLOWING INFORMATION WHEN COMPLETED

When the report is concerning an allegation against a parent or guardian:

Date ELCC Program Director/ Licensee was Informed:	Time:	Name of ELCC Program Director/Licensee Informed:
	<input type="checkbox"/> am <input type="checkbox"/> pm	

When the report is concerning an allegation against an ELCC staff member or care provider:

Date ELCC Program Director/ Licensee was Informed:	Time:	Name of ELCC Program Director/Licensee Informed:
	<input type="checkbox"/> am <input type="checkbox"/> pm	

Appendix III - Sample: Acknowledgement of Referral Letter

Sample: Acknowledgement of Referral Letter

(Date)

(Name and Address of Referral Source)

Dear (Name of Referral Source)

Thank you for your referral dated (date referral was made).

The Agency (will be) (will not be) investigating this referral and the assigned worker is _____.

Should you have further questions or concerns about this situation, please do not hesitate to contact our office at (phone number of DCS / MFCS Agency who is responding to referral).

Sincerely,

(Name of social worker)

(Name of supervisor)

Appendix IV – Notification of Decision Whether to Investigate

Notification to Manager, Licensing and Compliance

Decision Whether to Investigate

For Licensing and Compliance operations, please submit to ecdservices@novascotia.ca using the subject line DCS / MFCS Notification

Section 1: Information	
Name of Licensed Child Care Facility or FHCC Care Provider Home:	Program Type:
	<input type="checkbox"/> Child Care Facility <input type="checkbox"/> Approved FHCC Care Provider Home
Initial Report Date to Child Protection:	Child's Date of Birth (dd/mm/yyyy):
Reason for Report (If more space is needed, attach a separate page.):	
Employment Status of the ELCC Staff (Please Check):	Approval Status of the Care Provider (Please Check):
<input type="checkbox"/> Working with regular responsibilities <input type="checkbox"/> Under supervision (during investigation) <input type="checkbox"/> Assigned to administrative duties <input type="checkbox"/> Has been let go <input type="checkbox"/> Unknown <input type="checkbox"/> N/A <input type="checkbox"/> Other (Please Specify)	<input type="checkbox"/> Approved with Agency - Working with Children <input type="checkbox"/> Approved with Agency – Not Working with Children (during investigation) <input type="checkbox"/> Not Approved by Agency <input type="checkbox"/> Unknown <input type="checkbox"/> N/A <input type="checkbox"/> Other (Please Specify)

Section 2 : DCS/ MFCS Investigation Decision

Decision:

- Decision to Investigate
- Decision Not to Investigate

Comments (If more space is needed, attach a separate page.):

Section 3: Signatures

Intake Social Worker:

Signature: _____ Date: _____

Protection Supervisor:

Signature: _____ Date: _____

Section 4: To be completed by Manager, Licensing and Compliance

Notes:

Manager Name:

Signature: _____ Date: _____

Appendix V – Notification of Outcome of Investigation

Notification to Manager, Licensing and Compliance Outcome of Investigation

For Licensing and Compliance operations, please submit to ecdservices@novascotia.ca using the subject line DCS / MFCS Notification

Section 1: Information	
Name of Licensed Child Care Facility or FHCC Care Provider Home:	Program Type:
	<input type="checkbox"/> Child Care Facility <input type="checkbox"/> Approved FHCC Care Provider Home
Initial Report Date to Child Protection:	Child's Date of Birth (dd/mm/yyyy):
Investigating DCS/ MFCS Agency:	Child Protection File #:
Investigation Outcome:	
<input type="checkbox"/> Substantiated <input type="checkbox"/> Unsubstantiated <input type="checkbox"/> Inconclusive	
Comments (If more space is needed, attach a separate page.):	

Section 2: Signatures	
Intake Social Worker:	
Signature: _____	Date: _____
Protection Supervisor:	
Signature: _____	Date: _____

