

Applewood United Church
Duty of Care Policy and Protocol

January 24, 2011

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Introduction

"God intends that all people enjoy a life free from exploitation and abuse. Created in the image of God, all persons have a right to be treated with respect and protected from harm."

The United Church of Canada has a legal, moral and spiritual duty to care for and protect participants in our church programs. This is a legal principle called "Duty of Care" and church groups have been and will be, held legally responsible for ensuring reasonable measures are taken to ensure safety.'

Applewood United Church for reasons of liability and due diligence and with respect to the policy of The United Church of Canada (073 UCC Manual) has created a 'Duty of Care' Policy. The aim of this policy is to provide a safe and secure environment for vulnerable persons who work, worship, or are participants of other Applewood United Church sponsored programs and activities.

Vulnerable persons include, children and youth, seniors, people with disabilities, shut ins, people in stressful situations, church staff and volunteers who out of need see people in one to one situations.

All forms of bullying or harassment behaviours, including, written and verbal slander and libellous statements, physical, verbal and mental or cultural abuse, cannot and will not be tolerated.

Goals

1. To set standards of care in all situations and for all vulnerable persons participating in our church programs, both inside and outside of the church building.
2. To maintain a safe environment where all participants feel welcome, safe and secure.
3. To provide information and guidelines around the screening process for volunteers who work in the programs that deal with vulnerable people

Policy Statements

1. Risk Assessment

A volunteer position will be classified as per the chart on page 8 of Faithful Footsteps, thereby identifying Low, Medium and High Risk positions. (Appendix A)

An appropriate job description will be written for each position to be filled.

2. Volunteer Screening

All volunteers are required to complete a written personal information form. For High Risk positions, character references may be required.

A personal interview will be conducted by at least one of the appropriate committee, committee chair, or staff member.

All volunteers applying for a High Risk position shall be subject to a Vulnerable Persons Volunteer Record Search from their local police force, dated no earlier than 6 months prior to commencement of duties in the position being applied for. The Vulnerable Persons Volunteer Record Search shall be renewed every three years. (There is no charge for a volunteer search in the Region of Peel). The Chair of the Ministry and Personnel Committee (M&P) will assist in obtaining the Search.

The Vulnerable Persons Volunteer Record Search results, once obtained, must be acceptable to the Chair of M&P. If there are issues pertaining to its findings, alternative positions for the applicant may be discussed.

3. Supervision and Training

All volunteers in a High Risk position will receive the appropriate training for the position they are filling, i.e. Child Protection and/or Duty of Care at a time convenient to the parties.

Please refer to the Applewood United Church Operating Manual for the appropriate job descriptions.

4. Reporting Suspected Abuse or Neglect

Section 72 of the Ontario Government Act, "Reporting Child Abuse & Neglect, It's Your Duty..." (Appendix D), "states that members of the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection to a children's aid society."

If an alleged incident is received by any member of Applewood United Church which falls under Section 073 of the United Church Manual, (Appendix C):

- a) if the alleged incident is with regards to a staff member, the Ministry and Personnel Committee shall be designated to receive the allegation. M & P will comply with reporting procedures as set out in the United Church Manual section 072 (see also Appendix C). M&P will also comply with the requirements of the Peel Regional Police and children's aid society with respect to required reporting procedures for the alleged incident.
- b) if the alleged incident is with regards to volunteers, Applewood Church members, or active participants of any group or committee, the incident is to be reported to a Risk Management Team, appointed by the Executive Committee, or the General Chair of the Executive Committee, or a Minister. As with M&P above, those to whom the alleged incident is reported will also comply with reporting procedures as set out in Section 072 of the United Church Manual, (Appendix C), Peel Police and children's aid society.

All involved with the alleged incident shall respect the confidentiality of the matter at hand.

5. Recording Keeping

*The following material will be kept, for confidentiality and safe keeping, by the Ministry and Personnel Committee of Applewood United Church:

- ♦ Personal Information forms of volunteers
- ♦ Character References
- ♦ Results of Vulnerable Persons Volunteer Record Checks
- ♦ Volunteer training records
- ♦ * Incident Reports
- ♦ * Records of allegations

Group Leaders will ensure that appropriate forms for children, youth, and adults are kept on-hand and secure during relevant events, and are stored securely.

* Items above with an asterisk (*) shall remain sealed.

6. Confidentiality

All volunteer information will be held in strict confidence by the Ministry and Personnel Committee, either in paper form, or electronic form, password protected. It shall be held for the exclusive use of Applewood United Church, or those in authority who are investigating the matter, and is collected for the safety and security of the participants. When no longer current or required, the information shall be destroyed. Please refer to pages 6 and 9 of Faithful Footsteps for further information. (Appendix A).

Policy for Care of Children and Youth - updated /2010

1. Sunday School & Youth Ministry Program Leaders

'Leaders' are staff members or screened Volunteers cleared for a high-risk level who are 18 years of age or older. They are also cleared for driving with proof of valid licence and auto insurance.

'Volunteers' are cleared for medium-risk tasks and roles. Volunteers may include youth who are sufficiently older than the group supervised, as decided by Leaders.

Job descriptions will be provided for all volunteers at high-risk or medium-risk level. Training will include Duty of Care procedures regarding open classroom doors, bathroom procedures, appropriate touch, abuse, reporting of abuse, and adequate supervision, etc.

2. Participating Children & Youth

When children and youth under the age of 18 are going to participate regularly in Applewood UC Family and Youth Ministry programs,

- parents or guardians must complete and sign the registration form, including medical concerns, contact information, photography release choice, and participation guidelines.
- a medical release and permission form will be required for any child or youth attending an offsite or overnight group event.
- all children, youth and parents/guardians are expected to follow participation guidelines set out by Leaders.

Whenever possible, guest participants will provide names of participant & guardian, emergency contact information, and medical concerns. They must provide complete registration for special or overnight events.

Group Leaders will ensure that appropriate forms are stored securely and are kept on hand and secure during relevant events.

3. Safety Procedures related to Family & Youth Onsite Ministry Programs

1. A Leader must be in attendance at all times where children and youth (0-18 yrs) are present without individual parent/guardian supervision.

2. Volunteers willing to participate and to assist as per the appropriate job description, including safety procedures, will complete a personal information form.
3. For Family Ministry events, a safe environment will be ensured by the following steps:
 - a. Classrooms and activity spaces in close proximity for young ages;
 - b. Floating Leaders regularly and randomly monitoring all groups;
 - c. Classroom doors remain open when only one Leader and/or Volunteer is present, when doors have no windows.
 - d. Walkie-talkie contact among Nursery, Sunday School and Youth rooms, and Sanctuary;
 - e. Participant information, first aid kits, fire and emergency procedures readily available;
 - f. Emergency, fire and building safety concerns will be reported to Administration Committee.
4. Ratios of "Leader" or "Volunteer" to child/youth participant is as follows:

A minimum of at least 2 Leader/Volunteers needed for supervision per group, includes floating Leader. When group numbers exceed basic ratios, another volunteer is needed.

 - a. Nursery ages 0-3+ = Leader plus 1 Volunteer when 3 or fewer children
 - b. Beginners ages 4-6 = 1 Leader or Volunteer for up to 6 children
 - c. Primary ages 7-9 = 1 Leader or Volunteer for up to 8 children
 - d. Youth ages 10+ = 1 Leader or Volunteer for up to 10 youth
5. Washroom & Diapering guidelines will be included in appropriate job descriptions for Leaders and Volunteers. Where applicable, parents/guardians will be encouraged to take their children to the washroom before the start of programs, or will be asked whether or not they prefer to have the Nursery staff retrieve parents when diapering cannot wait until pick-up time.
6. When programs end, parents are to pick up their children promptly. They are to supervise their children for the remainder of their time in the church building, recognizing that Leaders and Volunteers are no longer in a formal leadership role.
7. For children and youth, all incidents requiring first aid should be reported to parents as soon as possible. In event of emergency requiring some removal

of victim's clothing, two Volunteers must be present. An incident report must be submitted to Leader.

4. **Special Events and Overnight Events**

Leaders occasionally plan special activities in their homes, plan social activities, have field trips and involve their groups in other projects. The following precautions need to be taken with these activities:

- Appropriate notification of the event will be provided to parents (at least one week is suitable)
- Proper written consent (Permission forms) and medical release forms are required for each child/youth participating in special events.
- All trips must be supervised by a minimum of one Leader and one additional Leader and /or Volunteer. Ratios for supervision must be adhered to.
- Generally, transportation should be arranged privately. When transportation is arranged as part of the trip, Leaders are cleared for driving with proof of valid licence and auto insurance.
- No driver will transport a single child or youth without another Leader or Volunteer, except where that child is their own son or daughter.
- For overnight events with participants of both genders, effort will be made to ensure that screened supervisors of both genders are onsite.

Appendices and Contact Information .

Appendices

1. "Faithful Footsteps"
Theological Statement – page 3
Why Now? Safety and Screening concerns in the United Church Of Canada.
Understanding Risk- pages 6, 8, 9 (Appendix A)
2. United Church Brochures - "A Tender Trust" and "Trust Worthy Care" (Appendix B)
3. The United Church Manual (073, 072) (Appendix C)
4. Ontario Government Reporting Child Neglect and Abuse (Appendix D)
5. The United Church Web Site - www.united-church.ca

Contact Information

6. Applewood United Church Operating Manual
Available in AUC Office
7. Hamilton Conference, United Church of Canada
Telephone Number - 905-659-3343

APPENDIX A

Faithful Footsteps

Statement of Commitment

The United Church of Canada is committed to providing a safe environment for worship, work, and study in all Pastoral Charges, congregations, institutions, agencies and organizations, or other bodies which operate under its name. The United Church of Canada seeks to ensure that all staff, volunteers, and ministry personnel who work with vulnerable individuals in United Church setting share this commitment. This commitment will be demonstrated by staff, volunteers and ministry personnel showing respect for personal boundaries, protecting others from harm and abuse, and enabling those in their care to learn and grow without fear of exploitation.

As we work together to create this community of trust and safety, God's vision of Shalom sustains and guides us. We will experience the presence of the Spirit, nurturing and prodding us to be a people of compassion and grace.

Theological Statement

Jesus came into the world to bring life in all its fullness. As followers of Jesus we are called to show love to one another, and to the world (John 13: 34-35), to share our gifts and resources, and to build a community of mutuality and respect (Acts 3: 44-47). As a church, we have a primary duty to care for those who are marginalized, less powerful or more vulnerable in our community. (Deuteronomy 10: 17-19; Isaiah 61: 1-2)

God intends that all people enjoy a life free from exploitation and abuse. Created in the image of God, all persons have a right to be treated with respect and protected from harm.

Our church is blessed with the gifts of many that offer leadership, as volunteers, staff, and ministry personnel. These people have a special calling to offer their time and talents in congregations, Sunday Schools, programs for children and youth, home visiting and many other ministries of the church. These people also are called to act with integrity and discipline as they teach and care for the people of God. The church and all its workers are called to honour the dignity of each person, as created in the image of God. Jesus teaches that we must love one another. Love does not insist upon its own way (Corinthians 13: 5). Where manipulation and exploitation exist in a relationship, love is violated.

The principle which supports this statement on "Screening Procedures for Positions of Trust and Authority in the United Church of Canada" is that followers of Jesus must

demonstrate love, respect and honour for one another as members of the body of Christ. For Jesus reminds us that as we do to the most vulnerable among us we do until him (Matthew 25: 35-40).

Why Now? Safety and Screening Concerns in the United Church

The United Church of Canada has been addressing the issue of creating and maintaining a safe environment for several years. The church has had national policy on sexual harassment since 1985, and now has a formal document, policies and procedures for dealing with Sexual Abuse (Sexual Harassment, Pastoral Sexual Misconduct, Sexual Assault) and Child Abuse. The preamble to that document states that “All parts of the church need to ...acknowledge the violence and our complicity in it, and to find ways to end it”. In 1997, the 36th General Council mandated the Division of Ministry Personnel and Education and the Human Resources Committee to develop policy, protocol and educational resources for the screening of people in positions of trust and authority in the United Church of Canada. The aim of this mandate is to extend to all reaches of the church the responsibility to uphold our duty of care to all who participate in programs, ministries and services offered in the name of the United Church of Canada.

We know that violations of trust (financial, physical, emotional and sexual abuse) sometimes occur within the church, and that we have not always been willing or able to respond justly to these violations; nor have we been proactive enough to prevent them from occurring. The time for this pro-active work is now! Recent court rulings on vicarious liability have underscored that institutions can and will be held responsible for the actions of their employees and volunteers. We need to inform and support all parts of our church in creating safe places for work, service, worship, and personal growth.

Ministry and religious leadership is by nature a position of sacred trust. Services offered in the name of the United Church need to be held to high ethical standards. To be acting in the name of God among vulnerable people demands great integrity and trustworthiness. Adopting stringent and consistent screening measures in our church communities is an important way to communicate some key values of our faith: protection of all in our care, honouring the image of God in each person and being a trustworthy community.

This handbook and the brochures “A Tender Trust” and “Trustworthy Care” are tools to help us in this work.

“Whatsoever you do to the least
of these..... you do unto me.”

Matthew 25:35

APPENDIX B
A Tender Trust and Trustworthy Care



A Tender Trust:
**Helping Churches
to provide safe service**



The United Church of Canada recommended Screening Procedures for use in congregations.



Trustworthy Care:
**Helping organizations
provide safe service**



Recommended Screening Procedures for use in Camps, Residences, Service Organizations, Outreach ministries and other ministries associated with the United Church of Canada.

APPENDIX C
The United Church Manual (073, 072)

III Policy

From *The Manual, 2007* (Toronto: United Church Publishing House, 2007)

073 Sexual Abuse and Child Abuse.

- (a) The United Church will not tolerate, and will seek to eradicate, any behaviour by its members, lay and Order of Ministry, Adherents, or employees that constitutes Sexual Abuse or child abuse. (2007)
- (b) The United Church is committed to providing a safe environment for worship, work, and study in all Pastoral Charges, Congregations, institutions, agencies, organizations, or other bodies that operate under its name. Complaints of Sexual Abuse or child abuse will be taken seriously and will be dealt with in a spirit of compassion and justice. (2007)
- (c) The General Council has approved policies and procedures to deal with complaints of Sexual Abuse. These policies and procedures shall be available from the General Council office and shall be made easily available to any Court or other body of the United Church, which shall consult the approved policies and procedures before taking any action on a complaint of Sexual Abuse. (2007)

072 Making a Complaint.

- (a) Any member, Adherent, or employee of the United Church, its Congregations, Presbyteries, Conferences, and related agencies, or any person who is Ministry Personnel, who has personal knowledge of an act or omission by a member, an Adherent, a Candidate for the ministry, or a person who is Ministry Personnel, that is a proper ground of discipline, may make a complaint, in writing, before the Session or Church Board or Church Council, the Presbytery, the Conference, or the General Council, as the case may be. (2007)
- (b) If a Court has reasonable and probable grounds for believing that an act or omission that is a proper ground of discipline has occurred, such Court may make a complaint as provided in subsection (a). (2007)
- (c) Any complaint made by a Court shall be heard by the next higher Court. A complaint made by the General Council shall be heard by the Judicial Committee.
- (d) The United Church seeks to protect from abuse not only its own members and Adherents but also all persons who avail themselves of the pastoral or professional services of the United Church. Therefore any person who is not a member or an Adherent, who has sought out the professional or pastoral services of employees or Ministry Personnel of the United Church as cited above for purposes of pastoral care, counselling, marriage workshops, day care, etc., has the right not to be abused in any way. Such person is also extended the right to full protection of the policies and procedures of the United Church for the addressing of such matters, and may therefore make a complaint within the Courts of the United Church.
- (e) When in receipt of a complaint of Sexual Abuse, the appropriate Court shall immediately consult the policies and procedures for dealing with such cases, approved from time to time by the General Council and available from the General Council office, and shall follow the procedures outlined. (2007)

APPENDIX D

Ontario Government Reporting Child Neglect and Abuse

The following Government of Ontario document is available as follows:

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TTY: 1-800-268-7095

Or visit www.serviceontario.ca/publications

Learn more: www.ontario.ca/children

Reporting Child Abuse and Neglect: It's Your Duty

Your responsibilities under the Child and Family Services Act

The Child and Family Services Act (CFSA) recognizes that each of us has a responsibility for the welfare of children.

Introduction

We all share a responsibility to protect children from harm – a responsibility that extends to those situations where children suffer abuse and neglect in their own homes. Ontario's Child and Family Services Act (CFSA) provides for protection for these children. Section 72 of the Act states that members of the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection to a children's aid society (CAS). The Act defines the phrase "child in need of protection" and explains what must be reported to a CAS. This definition is set out in detail on the following pages. It includes physical, sexual and emotional abuse, neglect, and risk of harm.

This brochure explains the "duty to report" section of the Child and Family Services Act and answers common questions about your reporting responsibilities. It also includes relevant portions of Section 72 for your reference. It does not provide specific legal advice. Please consult a lawyer or a CAS about any specific situation.

Who is a "child in need of protection"?

The Child and Family Services Act defines a child in need of protection as a child who is or who appears to be suffering from abuse and/or neglect. The Act clearly specifies how you can identify these children in Section 72 (1). [CFSA s.72 (1)]

Who is responsible for reporting a child in need of protection?

Anyone who has reasonable grounds to suspect that a child is or may be in need of protection must promptly report the suspicion and the information upon which it is based to a CAS. Section 72 (1) describes the specific circumstances that must be reported . [CFSA s.72 (1)]

What are “reasonable grounds” to suspect child abuse or neglect?

It is not necessary for you to be certain a child is or may be in need of protection to make a report to a CAS. “Reasonable grounds” refers to the information that an average person, using normal and honest judgment, would need in order to decide to report.

What does the Act mean when it says a person has an “ongoing duty to report” child abuse or neglect mean?

Even if a report has already been made about a child, you must make a further report to the CAS if there are additional reasonable grounds to suspect that the child is or may be in need of protection. [CFSA s.72 (2)]

Can I rely on someone else to report?

No. You have to report directly to a CAS. You must not rely on anyone else to report on your behalf. [CFSA s.72 (3)]

Do professionals and officials have any special responsibilities to report?

Professionals and officials have the same duty as any other member of the public to report their suspicion that a child is or may be in need of protection. However, the Act recognizes that people working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions. Any professional or official who fails to report a suspicion that a child is or may be in need of protection is liable on conviction to a fine of up to \$1,000, if they obtained the information on which that suspicion is based in the course of their professional or official duties. [CFSA s.72 (4), (6.2)]

Who does the Act consider a person who performs professional or official duties?

People who perform professional or official duties with respect to children include:

- ♦ health care professionals, including physicians, nurses, dentists, pharmacists and psychologists

- ♦ teachers and school principals
- ♦ social workers and family counsellors
- ♦ religious leaders, including priests, rabbis and other members of the clergy
- ♦ operators or employees of child care programs and day nurseries or centres
- ♦ youth and recreation workers (not volunteers)
- ♦ peace officers and coroners
- ♦ solicitors
- ♦ child and youth service providers and employees of service providers; and
- ♦ any other person who performs professional or official duties with respect to a child

These are examples only. A person not listed above who does work that involves children may still be considered to perform professional or official duties under the duty to report requirements of the Act.

If you are unsure whether you are considered to be a professional with the duty to report, ask your local children's aid society, professional association or regulatory body. [CFSA s.72 (5)]

What about professional confidentiality?

A professional must report that a child is or may be in need of protection, even when the information is otherwise confidential or privileged. This duty overrides any other provincial statutes, and specifically overrides any provisions that would otherwise prohibit someone from making a disclosure. Only solicitors may not divulge "privileged" information about their clients. [CFSA s.72 (7), (8)]

Will I be protected from liability if I make a report?

Yes. If a civil action is brought against you for making a report, you will be protected unless you acted maliciously or without having reasonable grounds for the suspicion. [CFSA s. 72 (7)]

What happens when I call a CAS?

The CAS will investigate the information you provide. The CAS has the responsibility and authority to investigate allegations and to protect children. The CAS workers may,

as part of the investigation and plan to protect a child, involve the police and other community agencies. All CASs provide emergency service 24 hours a day, seven days a week.

How do I contact a CAS or get more information?

You can find your local CAS in your local telephone listings or, where available, by dialing 411. In some communities, the CAS is known as “family and children’s services” or “child and family services”.

You can also find information about all of Ontario’s CASs at www.oacas.org, the web site of the Ontario Association of Children’s Aid Societies.

Anyone who has a reasonable suspicion that a child is or may be in need of protection must contact a CAS immediately.

What is the age of the children to whom the “duty to report” applies?

The duty to report applies to any child who is, or appears to be, under the age of 16 years. It also applies to children already under a child protection order who are 16 and 17 years old.

Section 72 (1) of the Child and Family Services Act

Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person’s,
 - i. failure to adequately care for, provide for, supervise or protect the child, or
 - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.
2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person’s,
 - i. failure to adequately care for, provide for, supervise or protect the child, or
 - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

3. The child has been sexually molested 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 molestation or sexual exploitation and fails to protect the child.
4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3
5. 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 treatment.
6. The Child has suffered emotional harm, demonstrated by serious:
 - i. anxiety
 - ii. depression
 - iii. withdrawal
 - iv. self-destructive or aggressive behaviour, or
 - v. delayed developmentand 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 child.
7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 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 harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting 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 child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that 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 prevent the emotional harm.
10. 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, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

11. The child has been abandoned, 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 custody.
12. 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 treatment.
13. 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 adequately.

If someone has reasonable grounds to suspect that a child is or may be in need of protection, they must make a report directly to a CAS.

APPENDIX E
AUC Consent Form re Record Search

Applewood United Church

Consent form for Vulnerable Persons Record Search

Full Name: _____
Surname First Name Middle Name

Place of Birth: _____
City Province Country

Other Names: _____
(maiden, birth, etc)

Current Address: _____

I give my consent to have a Vulnerable Persons Record Search done as required by Applewood United Church for all those who work with vulnerable people, i.e. children, seniors, shut-ins, and others such as church staff and volunteers. The Vulnerable Persons Record Search is a Confidential Document to be returned to the undersigned after it has been seen by the Applewood Ministry and Personnel Committee.

Signature