

DUTY TO REPORT



REPORTING CONCERNING OR HARMFUL BEHAVIOR

Provincial/Territorial child protection laws require every person, including those who perform professional or official duties with children, to report suspected abuse to the appropriate authorities. The law requires that suspected child abuse is to be reported each time that a person has grounds to believe that abuse is occurring, even if the suspected abuse was reported in the past. Duty to Report is the legal obligation to report potential abuse of a person under the age of protection in their province/territory of residence, in accordance with applicable provincial and territorial legislation.

A legal duty is NOT the same as a moral duty; a legal duty is limited to what is set out in the law itself. Even if the information you have does not meet the threshold of a legal duty to report, you can always contact police or child protective services in your area if you believe any maltreatment has occurred.

WHAT TO DO:

1

Protect

Protect the child from any further harm.

For more information on Duty to Report in your Province or Territory, click [here](#), and follow this [link](#) for more information on taking action.

2

Document

Document what you have witnessed or what has been shared with you in as much detail as possible.

3

Act

Immediately act by reporting to your local Child Protection Services or the Police.

FAILURE TO REPORT:

Failing to report when you have a legal duty to do so may result in penalties such as a fine, imprisonment or loss of employment – the precise penalties also vary by province or territory.



FAILURE TO REPORT POSSIBLE MALTREATMENT OR OTHER PROHIBITED BEHAVIOUR (UCCMS V6.0):

- a. It is a violation for any adult Participant who knew or ought to have known of a Participant's Prohibited Behaviour toward another person to fail to Report such conduct. For clarity, a Participant is not obligated to Report an instance of Prohibited Behaviour to which they were personally subject.
- b. Where information regarding a Participant's Prohibited Behaviour toward another adult is made known to an adult Participant through an explicitly confidential Disclosure, the adult Participant shall not be required to Report the information obtained through that Disclosure. Nevertheless, if an adult Participant knew or ought to have known of the Participant's Prohibited Behaviour for reasons other than the explicitly confidential Disclosure, it remains a violation for them to fail to Report such conduct.
- c. The person making the Report does not need to determine whether a violation took place; instead, the responsibility lies in Reporting the objective behaviour. Early intervention is required to prevent escalation, hence the obligation on all adult Participants to Report.
- d. The Reporting Obligation is ongoing and is not satisfied simply by making an initial Report. The Reporting Obligation includes Reporting, on a timely basis, any and all relevant information of which an adult Participant becomes aware.
- e. It is a violation for any adult Participant to fail to fulfill any applicable legal Duty to Report.