



## Directive on the application of the Youth Protection Act

<i>Department responsible:</i> General Administration	<i>Approved by:</i>  _____ Director-General
<i>Effective date:</i> January 1 <sup>st</sup> 2003	<i>Amended by:</i>
<i>Reference:</i> <i>Youth Protection Act (L.R.C. c. P-34.1)</i> <i>Art. 163.1 / Criminal Code</i>	

The *Youth Protection Act* imposes certain obligations on stakeholders in the Education sector with regard to the protection of children whose safety and/or development may be considered to be at risk. The Kativik School Board intends to make sure that these obligations are respected to the greatest possible extent, and deems it necessary to bring some clarifications as to the nature of these obligations.

### 1. Premises

- 1.1 [purpose](#) This directive goes over the main provisions of the *Youth Protection Act* which create certain obligations for employees in the Education sector.
- 1.2 [definitions](#) For the purposes of this directive, the following definitions apply:
- a) **child:** a person who is less than 18 years of age;
  - b) **parent:** the father and mother of a child or any other person acting as parental authority, as the case may be.

### 2. Youth Protection Act

- 2.1 [purpose of the law](#) The *Youth Protection Act* recognizes that the responsibility for providing adequate care, maintenance and education to a child and for his supervision, belongs first of all to the parents of that child. In passing this law, legislators have identified certain obligations of the parents with regard to ensuring the safety and development of their child. A reporting mechanism has been put in place so as to protect a child in the event that his parents do not fulfil their role.

The obligations set out by the Act which affect employees of a School Board are linked only to this reporting mechanism.

- 2.2 [intervention of the Director of Youth Protection](#) The Director of Youth Protection is responsible for the application of the Act and must intervene whenever there are reasonable grounds for believing that the safety and development of a child are, or may be, at risk.
- 2.3 [safety and development of the child](#) For the purposes of the law, the safety and/or development of a child is deemed to be at risk:
- a) if the parents are deceased or are not, in effect, providing for the child's care, maintenance and/or education;
  - b) if the child's mental or affective development is impaired by the absence of adequate care, or by the isolation in which he is being kept, or by serious and prolonged affective rejection on the part of the parents;
  - c) if the child's physical health is threatened by the absence of adequate care;
  - d) if the child is deprived of adequate material living conditions in response to his needs;
  - e) if the child is under the care of a person whose behaviour and/or lifestyle threatens to place him in moral or physical danger;
  - f) if the child is forced or coerced to beg, to perform work that is out of proportion with his ability, or to perform in a spectacle in a manner that is unacceptable with respect to his age;
  - g) if the child is a victim of sexual abuse or is subject to physical mistreatment as a result of abuse or negligence;
  - h) if the child exhibits serious behaviour problems, and the parents do not take the necessary measures to end the situation which jeopardizes the safety and/or development of their child or are unsuccessful in doing so;

[health and safety](#) However, the safety and/or development of a child is not considered to be at risk, even if his parents are deceased, if a person fulfilling that role is in effect providing for the care, maintenance and education of that child, in response to his needs.

### **3. Reporting**

- 3.1 [what is reporting](#) Reporting is the act of informing the Director of Youth Protection that the safety and/or development of a child are, or may be, at risk.
- 3.2 [obligation to report](#) The obligation to report is different depending on the type of situation and whether it involves a teacher, a principal, a student counsellor, or another employee of the School Board:
- a) any teacher, principal, and/or student counsellor of the School Board who has the responsibility to intervene directly

with a child, and who, while performing his duties, has reasonable cause to suspect that the safety and/or development of a child is or may be deemed to be at risk, is obligated to report the situation without delay to the Director of Youth Protection. This obligation to report prevails for all cases listed in Article 2.3;

- b) any other employee is obligated to report only cases listed in Article 2.3 g), i.e. cases of sexual abuse and/or physical mistreatment as a result of abuse or neglect. For other situations, reporting is done on a voluntary basis, but is not a legal obligation.

Every person who contravenes this article may be found guilty of an offence and liable to a fine of \$250 to \$2 500.

*Procedure*

3A) [Director of Youth Protection](#) *The Director of Youth Protection can be reached at the following telephone numbers:*

a) *Hudson – (819) 988-2191*

b) *Ungava – (819) 964-2905*

*It is also possible to communicate directly with the local social services agent.*

#### **4. Application of this directive**

4.1 [previous provisions](#) The present directive replaces all other directives of the Board pertaining to this subject, while respecting the policies adopted by the Council of Commissioners where applicable. If such policies are adopted, the provisions of these policies will be integrated into this directive for the benefit of the reader.

4.2 [responsibility](#) The Associate Secretary-General is the person responsible for the application of this directive.