

1.0. School Administration

1.B. Student Management

1.B. CHILD PROTECTION AND CHILD ABUSE

Policy Reference: EL-1.1

Reviewed by Committee: February 18, 2014

1. Staff Responsibility to Report

In Manitoba, regulations under Section 17 of *The Child and Family Services Act (1999)* indicate that every school division staff must report, or cause to be reported, any case of suspected child abuse relating to a child attending the school. The *CFS Act* states that anyone who has information that leads the person reasonably to believe that a child is being or has been abused or is in need of protection or might be in need of protection, must report this suspicion.

The responsibility to report is particularly great for professionals, like school division staff, who work in a position of trust with children. Suspicions that a child is in need of protection must be reported to Child and Family Services Agency or the police when there is reason to be concerned that the child's home or custodial environment cannot protect the child.

2. A Child in Need of Protection

Section 17(2) of *The Child and Family Services Act (1999)* lists examples where a child ought to be considered in need of protection. These include where a child:

- a) is without adequate care, supervision or control;
- b) is in the care, custody, control or charge of a person
 - who is unable or unwilling to provide adequate care, supervision or control of the child, or
 - whose conduct endangers or might endanger the life, health, or emotional well-being of the child, or
 - who neglects or refuses to provide or obtain medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner;
- c) is abused or is in danger of being abused;
- d) is beyond the control of a person who has the care, custody, control or charge of the child;
- e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;

- f) is subject to aggression or sexual harassment that endangers the life, health, or emotional well-being of the child;
- g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision and safety of the child; or
- h) is the subject, or is about to become the subject of an unlawful adoption under *The Adoption Act* or of a sale under section 84.

Under *The Child and Family Services Act (1999)*, child abuse is an act or omission by any person where the act or omission by any person results in:

- a) physical injury to the child (physical abuse);
- b) emotional disability of a permanent nature in the child or is likely to result in such a disability (emotional abuse); or
- c) sexual exploitation of the child with or without the child's consent (sexual abuse).

3. a) **Record keeping**

School Division staff should document in an **objective** manner, any behaviour by a student that might be a sign or symptom suggesting that the child may need protection. It should be kept on file and should include:

- Date and time of entry
- Full name of the child referred to in entry
- Signature of the person making the entry
- Any of the following objective data:
 - description of an injury observed, including size, shape, colour and location on body (write the description so the injury can be easily understood)
 - drastic changes or chronic problems with a child's health or behaviour
 - direct quotes related to child protection from the child and/or parent/adult
 - acting out, direct quotes, or explicit drawings by the child during play that concern injury, neglect, emotional or sexual abuse or assault

A copy of the report must be forwarded to the Student Services Administrator. Enclose the report in an envelope marked "CONFIDENTIAL".

b) **Confidentiality**

The exact information included in a report to an agency, parent/guardian is confidential and is protected under *The Child and Family Services Act*. The file, however, should note that an agency was called, including date, time and person spoken to. Under Section 76(3) of *The Child and Family Services Act (1999)*:

Records are confidential

76(3) Subject to this section, a record made under this Act is confidential and no person shall disclose or communicate information from the record in any form to any person except:

- a) where giving evidence in court; or
- b) by order of a court; or
- c) to the Director*, or to a person employed, retained or consulted by the Director or an agency or appointed under this Act, in the course of administering or enforcing any provision of this Act or the regulations.

*Director of Child and Family Services

This section means that school division staff cannot tell others in the community about a report that a child might be in need of protection. It also means that a Child and Family Services Agency cannot tell others in the community about the report of child abuse.

4. How to Make a Report

Reports of suspected child protection issues may be made to a parent, guardian or Child and Family Services Agency. The Child and Family Services Agency must be contacted specifically when there is concern that the child is in need of protection and it is judged that the parent/guardian cannot protect the child. Otherwise, reporting to a parent/guardian may be sufficient.

A telephone call to a Child and Family Services Agency is the quickest way to report a suspicion.

- a) Place a call to the Child and Family Services Agency nearest to the school.
- b) Ask for the worker accepting calls regarding child protection investigations. Most agencies have someone on call 24 hours a day. Record this individual's name as well as time and date of your call.
- c) Be prepared to give the following information:
 - name, address, phone number and sex of the child; name and address of the parent/adult suspected of abuse (if known); names and ages of siblings;
 - the nature of the suspected concern about protection, the documented indicators that have led to this suspicion, including dates and times, mention previous calls to agency regarding the child, if any;
 - your opinion on the urgency of the situation in terms of the child's safety and the expected time that the parent/guardian arrives to pick up the child or the child is dismissed;
 - your name, professional address, phone number and your professional duties in relation to the child.

If you are not certain that your concerns about a child are serious enough to warrant a report, you may wish to consult with a Child and Family Services Agency. They can advise you about the need to report and to whom to report.

5. When School Division Staff is Accused of Child Abuse

School division staff suspected of child abuse may be subjected to:

- An investigation by a Child and Family Services Agency and/or the police;
- Criminal charges;
- An investigation conducted by the employer;
- A review by the Certificate Review Committee of the Department of Education

A school division staff member under investigation because of suspected or alleged child abuse should contact the Manitoba Teachers' Society immediately. MTS provides legal assistance in all cases of school-related investigations. As well, MTS staff will assist the teacher experiencing an investigation by the employer and/or a certificate review hearing. MTS staff can be reached by calling McMaster House during business hours or using the home telephone numbers listed in The Manitoba Teachers' Society Handbook.

In all situations, *The Child and Family Services Act (1999)* indicates that at the conclusion of an investigation, if a person caused a child to be in need of protection and has care, custody, or control of children in their employment, then the Child and Family Services Agency must report the findings to the employer. In the case of a school, the report would be made to the principal.

In situations where a person is charged with an offence under the Criminal Code or *The Child and Family Services Act (1999)* and that person's employment involves the care of children, the police are required to advise the person's employer that the accused has been charged.

Reference: Reporting of Child Protection and Child Abuse Handbook and
Protocols for Manitoba Service Providers
Revised 2003

6. **Quick Reference for Suspected Child Abuse**

- A suspicion that a child may be in need of protection requires a report to a child and family services agency or the police. Individuals are not required nor should they attempt to diagnose or investigate potential abuse cases.
- The immediate safety of the child is the paramount concern. If either a child and family services agency or the police cannot be reached in a timely fashion, evaluation at a medical facility should be considered.
- An immediate medical examination is indicated only in cases where acute injuries or symptoms are present. Where there is a history of chronic abuse, a child and family service agency and/or police investigation is necessary to determine the need for medical consultation and most importantly the need for protection of the alleged victims and other potential victims.
- If you are unsure of an appropriate course of action, it might be helpful to consult by telephone with a local child and family services agency and/or the police. The Children’s Hospital Child Protection Centre or if outside office hours, the Children’s Hospital Emergency Room are also available for consultation.

Local Child and Family Services _____

Local Police Detachment _____

Local Medical Family _____

Children’s Hospital Child Protection Centre – 204-787-2811

Children’s Hospital Emergency Room – 204-787-2306