

### Reporting Children in Need of Protection

1. Purpose:

To ensure the protection of all students within the care of Pine Creek School Division.

2. Scope

All employees and volunteers within the school setting (including, but not limited to, teachers, clinicians, support staff, volunteers, bus drivers, coaches)

3. Policy:

In accordance with the Child and Family Services Act, subsection 18(1), which states that “where a person has information that leads the person reasonably to believe that a child is or might be in need of protection as provided in Section 17, the person shall forthwith report the information to an agency”, the following policy shall govern the actions of employees and volunteers of Pine Creek School Division with respect to Child Abuse.

4. Definitions:

4.1 "Child" means a person under the age of majority. (In Manitoba the age of majority is currently eighteen.)

4.2 Definition of Child Abuse: Under Section 1 of The Child and Family Services Act “abuse” means an act or omission of a parent or guardian of a person having care, custody, control, or charge of a child, where the act or omission results in:

4.2.1 physical injury to the child, or

4.2.2 emotional disability of a permanent nature in the child, or is likely to result in such a disability;  
or

4.2.3 sexual exploitation of the child with or without the child’s consent.

Subsection 17 of the Act indicates a child is in need of protection where the child

“a) is without adequate care, supervision or control;

(b) is in the care, custody, control or charge of a person

(i) who is unable or unwilling to provide adequate care, supervision or control of the

child, or

- (ii) whose conduct endangers or might endanger the life, health or emotional well-being of the child, or
  - (iii) who neglects or refuses to provide or obtain proper 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, including where the child is likely to suffer harm or injury due to child pornography;
  - (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 subjected 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."

4.3 "Agency" means a Child and Family Services agency

## 5. Procedures for Reporting

5.1 In accordance with the Child and Family Services Act, subsection 18 (1):

- i) Where a person has information that leads the person reasonably to believe that a child is or might be in need of protection, he or she shall inform the school principal of such suspicions and of the fact that a report is being made, and shall make a verbal (telephone) report immediately to Child and Family Services of Central Manitoba, Portage la Prairie (857-8751).

ii) The duty to report applies even where the person has acquired the information through the discharge of professional duties or within a confidential relationship.

5.4 It is to be noted that the legal responsibility to report lies with the person who suspects the abuse and the responsibility cannot be transferred.

5.5 In cases where grounds for suspecting abuse are of an ambiguous or uncertain nature, the staff member shall inform the principal and will inquire or consult with the agency. This inquiry or consultation is to be distinguished from formal reporting. If, as a result of this inquiry, it is determined there are insufficient grounds to proceed with a formal report, the principal of the school may arrange for the provision of support services from the appropriate divisional support services.

5.6 As a follow-up to the verbal report, the reporter will complete a written version of the report as soon as possible thereafter, using the Follow-Up to Verbal Report of Suspected Child Abuse form (Exhibit JLDBD-E1). This written report must be witnessed by the principal in order to indicate that he or she is aware that the report is being made. In addition, the reporter should complete the Notation Report of Suspected Child Abuse form (Exhibit JLDBD-E2).

With the exception of the transmittal to authorized persons of information necessary in the conduct of investigation and treatment, information related to the allegations or suspicions of child abuse is to be held in strict confidence. In particular, the written report and notation reports are to be considered confidential and are not to be placed in the child's cumulative record or in any other way allowed to become known to persons who have no legitimate need for such information. The completed Follow-Up to Verbal Report of Suspected Child Abuse will be placed in a sealed envelope and sent to the Pine Creek School Division Student Services Coordinator for confidential storage. The completed Notation Report of Suspected Child Abuse will be placed in a sealed envelope marked with the date and "Confidential. To be accessed by principal only" and placed in the student's cumulative file.

Should the Child Protection Agency's investigation of parent(s), guardian(s) or other persons suspected of child abuse find that the accusations were unfounded, a note should be included, in both the documentation held by the Student Services Coordinator and in the sealed envelope accessible only to the principal, stating that the report was investigated and the accusations were determined to be unfounded. The report and this note are not to be removed or destroyed as they may have future relevance if further accusations are made at a later date.

5.7 Subsection 18.1 of the Act indicates that no action lies against a person for providing information in good faith and in compliance with the Act. The identity of the informant will not be disclosed to the family of the child, except as required within the judicial process.

6. Staff Knowledge of Policy

Principals shall ensure that all members of their staffs are familiar with this policy, and are adequately prepared, through periodic in-servicing and access to *Reporting of Child Protection and Child Abuse; Handbook and Protocols for Manitoba Service Providers*, to be alert to the signs of child abuse and to be knowledgeable concerning reporting procedures.

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