

## REPORTING A CHILD IN NEED OF PROTECTION (INCLUDING CHILD ABUSE)

Policy G.1.H

Division staff play a very important role in the lives of children. Because they see children on a regular basis and they can play a supportive role to families, Division personnel are often in a position to note some of the early warning signs of abuse or other protection problems. Children may trust a Division staff member enough to disclose abuse. This policy seeks to ensure that suspicions of a child in need of protection will be properly reported and that staff will act appropriately and with confidentiality.

In Manitoba, regulations under Section 18 of *The Child and Family Services Act (CFS Act) (1999)* state that every school division staff member must report any case of suspected abuse relating to a child attending school. The *CFS Act* states that anyone who has information that leads the staff member to reasonably 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. Suspicions that a child is in need of protection must be reported to a Child and Family Services Agency or the police or medical personnel when there is reason to be concerned that the child's home or custodial environment cannot protect the child.

Child abuse, under the *Act*, is a condition that occurs due to the act or omission of any person. This could include a parent, guardian, teacher, babysitter, child care worker, coach, or anyone in a trusting relationship with a child. The abuse may be physical, emotional, or sexual.

Division staff are required by law to report suspicions that a child might be in need of protection. Those who know or suspect that a child might be in need of protection but do not report it may be held in contravention of the *CFS Act (1999)*. This *Act* protects the identity of individuals reporting a child in need of protection.

In accordance with this *Act*, all Division staff shall report any suspected abuse using the reporting procedures in the attached regulations. Furthermore all Division staff are directed to the "Child Protection and Child Abuse Manual: Protocols for School Division Staff (2003)", which provides excerpts from the *Act*, including legal definitions, role of agencies, and other vital information.

Copies of the "Child Protection and Child Abuse Manual: Protocols for School Division Staff (2003)" are available in each school or from Manitoba Education or Manitoba Family Services and Housing.

Information: [The Child and Family Services Act](#)  
[Manitoba Education](#)  
[Child Protection and Child Abuse Manual: Protocols for School Division Staff \(2003\)](#)  
[Manitoba Guidelines on Identifying and Reporting a Child in Need of Protection \(including Child Abuse\) \(August 2001\)](#)

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## 1. Identifying Child Abuse

Under the *Act*, child abuse is an act or omission by any person that results in:

- a. physical injury to the child (physical abuse),
- b. emotional disability of a permanent nature (emotional abuse), or
- c. sexual exploitation of the child with or without the child's consent (sexual abuse).

Abuse involves both the condition of the child and an act or omission of a care provider.

Section 17(2) of the *Act*, lists examples where a child ought to be considered in need of protection. See Manual (2003), page 3.

## 2. Record Keeping

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. Records should be kept on file according to Pupil File Guidelines and should include:

- a. date and time of entry,
- b. full name of the child referred to in entry,
- c. date of birth of the child referred to in entry,
- d. signature and printed full name of the person making the entry,
- e. any of the following objective data,
  - description of the injury observed including size, shape and location on the body,
  - drastic unexplainable changes or chronic problems with child's health or behaviour,
  - direct quotes (disclosure by the child).

See Manual (2003), pages 18-21.

### **3. Responsibility to Report**

The primary responsibility for reporting a child in need of protection rests with the individual who suspects it. Consultation with others in authority in the Division (Principal, Area Superintendent) is strongly advised. Such consultation is not the same as reporting and does not take the place of the reporting requirements of the *Act*.

It is not the staff member's responsibility to prove that a child is in need of protection. The responsibility is to report any suspicions, concerns or information that leads the person reasonably to believe that a child is or might be in need of protection. This report must then be made to an agency, police, medical personnel or to a parent/guardian of the child.

In the case of making a report to a parent/guardian, it must be believed that the parent/guardian can protect the child once information about the suspicion is given.

If staff cannot determine whether the report can/should be made to a parent/guardian, it is strongly recommended that staff consult first with the Child and Family Services Agency, police, and/or medical personnel.

### **4. How To Make A Report**

The duty to report is the direct responsibility of the person who suspects or has reason to suspect the abuse. Reports will be generated from observations documented over time or through a once-only disclosure.

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

#### **Reporting Procedures**

- a. The person reporting the abuse must complete Child Protection/Suspicion of Abuse Report (Exhibit G.1.H – EX1).
- b. A verbal report is made to Child and Family Services, the police or medical personnel using the information from the completed report.
- c. Once the report has been made, the original form must be placed in a sealed envelope marked with 'Suspicion of Abuse Report' and 'Private and Confidential' and forwarded to the office of the Chief Superintendent. It is important to note that this original completed form cannot be retained at the school, nor can copies be made. Once the Chief Superintendent has reviewed the report, it shall be filed in a secure location and only retrieved in the event of a subpoena by the courts.

- d. The Principal should be informed that a report has been made but the details of the report are to be kept confidential. This means that staff cannot tell others in the school or community about a report that has been made. This also means that a Child and Family Services Agency cannot tell others in the community the identity of the reporter of suspected child abuse.
- e. Occasionally, a Division staff person may feel that there has not been adequate follow-up to a report. Should this happen, refer to the Child Protection and Abuse Manual (2003), page 16.

## **5. Apprehension of Student From School Setting**

On occasion, a Child and Family Services (Agency) worker may feel that a child's safety and well-being would be severely compromised if the child returned to his/her home. At these times, the Agency worker may apprehend the child from the school setting to a safe and protected environment. Agency workers must adhere to the following procedures set forth by the Director of Child and Family Services.

- a. Agency staff should always come to the school in person to place the child under apprehension and take the child to a place of safety.
- b. In some circumstances (e.g., remote areas where travel is restricted), Agency staff will not realistically be able to attend in person to apprehend the child. In these cases, Agency staff would delegate the responsibility to the local police, the local school division staff or a member of the local school division/district, who should come in person to the facility to apprehend the child and take the child to a place of safety.
- c. In all cases, it is the responsibility of the persons apprehending the child to notify the parents, guardian or other persons caring for the child at the time of the apprehension, prior to the time that the parents, guardian or other person normally arrives at the school to pick up the child.

If, for some reason, the Agency representative is unable to reach the parent/guardian before their expected arrival at the school, the Agency representative should meet the parent/guardian at the school.

It is totally unacceptable to leave the school Division staff with the responsibility of dealing with the person who's child was apprehended, and any such occurrences should be reported by the school division staff to the Executive Director of the Child and Family Services Agency so that corrective actions can be taken to avoid future occurrences.

**6. If School Division Staff Is Accused of Causing a Child of Being In Need of Protection**

On occasion, school division staff may be accused of causing a child to be in need of protection. This could be an alleged act or omission that occurred where:

- a. the child is in the care of the school division staff at school,
- b. the child resides in the home/community of the staff member,
- c. the staff member had access to the child.

If a school division staff member is accused of causing a child to be in need of protection:

- a. the safety of the child comes first,
- b. reporting procedures are followed,
- c. the person reporting the abuse makes notification of the report to others in authority in the Division (Area Superintendent/Chief Superintendent).

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

- a. an investigation by a Child and Family Services Agency and/or the police,
- b. criminal charges,
- c. an investigation conducted by the Chief Superintendent or designate,
- d. a review by the Certificate Review Committee of Manitoba Education.

A school division teaching staff member under investigation because of suspected or alleged child abuse should contact the Manitoba Teacher's Society immediately.

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 situations where a person is charged with an offence under the *Criminal Code of Canada* or *The Child and Family Services Act* 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.

Information: [The Child and Family Services Act](#)  
[Child Protection and Child Abuse Manual: Protocols for School Division Staff \(2003\)](#)  
[Criminal Code](#) (Canada)

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Date of Written Report: \_\_\_\_\_

Date and Time of Verbal Report: \_\_\_\_\_

Verbal Report Given To: \_\_\_\_\_ (Name)

\_\_\_\_\_ (Agency)

Full Name of Student: \_\_\_\_\_

Date of Birth of Student: \_\_\_\_\_

School: \_\_\_\_\_

Nature of concern:    neglect    physical    sexual    emotional

Name and address of individual(s) disclosed as (d) or suspected of (s) causing incident (if known):

\_\_\_\_\_  
\_\_\_\_\_

Description of Injury: (if physical, include size, shape, colour, location on body - see diagram on page 7 of 7)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Incident: (include direct quotes)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of Student's Health or Behaviour: (include drastic changes, chronic problems, relevant artwork or acting out)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In your opinion, is the child's safety an immediate concern?      Yes       No

Name, printed in full, and signature of person filing report.

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Full name of student: \_\_\_\_\_ Gender: \_\_\_\_\_

Name of custodial parent(s)/guardian(s) (indicate *P* or *G*): \_\_\_\_\_

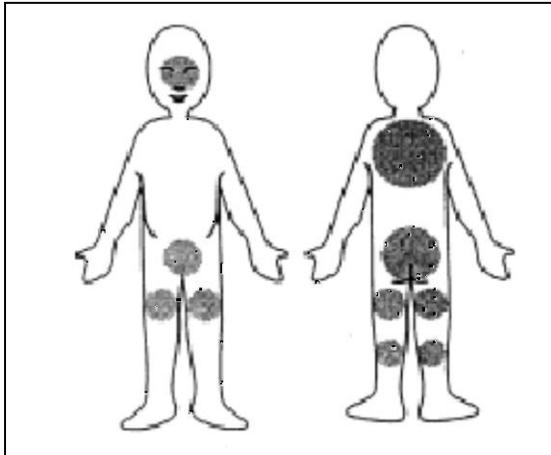
Names and ages of siblings: \_\_\_\_\_

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Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**PHYSICAL LOCATION OF INJURY**



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