



## **Reporting A Child in Need of Protection (includes child abuse) - Procedure**

### **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**

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).

### **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 Director/Principal 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) A verbal report is made to Child and Family Services, the police or medical personnel using the information from the completed report.
- b) The Director/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.

#### **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 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 staff with the responsibility of dealing with the person whose 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 SEC Staff Is Accused of Causing a Child of Being In Need of Protection**

On occasion, school 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 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 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

School 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,

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.

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