



AP 2-311 – REPORTING CHILDREN IN NEED OF PROTECTION

RESPONSIBILITY TO REPORT

In accordance with the Child and Family Services Act, Subsection 18(1), which states that "where a person has information that leads to 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 or to a parent or guardian of the child". This policy shall govern the actions of persons employed by Western School Division with respect to reporting children in need of protection. All references to "sections" or "subsections" shall refer to the Child and Family Services Act unless otherwise stated.

I. Definitions

For the purposes of this procedure, the following definitions shall apply:

1. "Child" means a person under the age of majority. (In Manitoba the age of majority is currently eighteen).
2. "Child in need of protection" is where the life, health or emotional well-being of the child is endangered by the act or omission of a person.
 - 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 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;
 - 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 Section 63 or of an unlawful sale under Section 84.
3. "Abuse" means the act or omission of a parent or guardian of a child or of a person; having care, custody, control or charge of a child, where the act or omission results in
 - a) physical injury to the child;



- b) emotional disability of a permanent nature in the child or is likely to result in such a disability;
- OR**
- c) sexual interference, invitation to sexual touching or sexual exploitation (Sections 151, 152 and 153 respectively of the Criminal Code of Canada) of the child with or without the child's consent.

II. Procedures for Reporting

1. In cases where the person has information that a child is or may be in need of protection, he or she shall make an oral report forthwith to an agency and should inform the administrator of the school that a report is being made. The written follow-up (AP -312 – Child Protection/Suspicion of Abuse) must be completed and forwarded to the Superintendent of Schools to be kept in a central file. No other copies are to be made and no copy is to be kept at the school.

The legal duty to report is an **individual one** and does not require staff consensus or the approval of any supervisor or person in authority.

While parents are recognized as the primary protectors of children, there are circumstances when the person should report to an agency only. These would include circumstances where the person:

- a) does not know the identity of the parent or guardian of the child;
 - b) has information that leads the person reasonably to believe that the parent or guardian;
 - i) is responsible for causing the child to be in need of protection; or
 - ii) is unable or unwilling to provide adequate protection to the child in the circumstances;
- OR**
- c) has information that leads the person reasonably to believe that the child is or might be suffering abuse.

Reports are to be made to any of the following agencies:

- | | | | |
|------|---------------------------|---|-------------------------------|
| i) | Child and Family Services | - | 1-866-345-9241 |
| | Regional Offices | - | 325-4889 (Winkler) |
| | | - | 745-6405 (Carman) |
| | Head Office | - | 857-8751 (Portage la Prairie) |
| ii) | R.C.M.P. | - | 822-5469 |
| iii) | Morden Town Police | - | 822-4900 |

2. In cases where it is not clear that a child is in need of protection, the person is encouraged to inquire or consult with the Child and Family Services worker. This inquiry or consultation is to be distinguished from formal reporting.

The person should inform the administrator that

- a) he/she has a "suspicion" that a child may be in need of protection
 - b) a phone call to Child and Family Services will be or has been made.
3. If the suspicion or disclosure involves a division employee or other adult having access to children in the school the person or the administrator shall inform the Superintendent that a report has been made.



4. In cases where the suspicion or disclosure involves an administrator, the person must inform the Superintendent that a report has been made.
5. In cases where the suspicion involves the Superintendent, disclosure must be made to Child and Family Services or the local police force.
6. If the suspicion or disclosure involves a division employee, the Superintendent and School Board will determine appropriate action.
7. If Child and Family Services, police forces or court authorities notify the school division that a formal complaint or criminal charges have been laid against a divisional employee, the Board of Trustees shall take appropriate action.
8. Such "appropriate action" by the Board of Trustees as referred to in 3(d) and (e) may include:
 - i) no action against the employee;
 - ii) a transfer to a position that does not allow access to children;
 - iii) a suspension with or without pay; or
 - iv) a termination of employment.
9. The School Board shall report to the Minister of Education and Training teachers that have been charged with an offense related to the abuse of children.

III. Reporting Third Party Assaults

1. Definition: Physical or emotional injury or sexual exploitation of a child caused by a person who does not have the care, custody, control, or charge of a child.
(Examples would include: assaults by a stranger, assaults by other students).
2. In cases where it is not clear that a report should be made, the person should consider the following factors:
 - a) age discrepancy
 - b) frequency of action (persistence)
 - c) aggressiveness of the act
 - d) size discrepancy
 - e) use of weapons
 - f) use of violence (physical or emotional)
 - g) extenuating circumstances

The person may then choose to:

- a) deal with the situation as a school discipline matter; and/or
 - b) report to parents involved and/or c)consult with agency and/or d)report to agency.
3. If the disclosure or suspicion involves a student, the Principal and/or Superintendent in consultation with the agency and parents or guardians, may remove the student from the school.



IV. Information-Sharing and Confidentiality

1. The responsibility for investigation and follow-up lies with the outside agencies. In accordance with the Manitoba Guidelines, the child caring agency or police are expected to inform the school of action taken on the report at the earliest appropriate time.
2. To ensure that the best course of action is taken, the school shall cooperate with the authorized agencies and professionals in the investigation and treatment process.
3. 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, any written records, notations or reports are to be considered confidential and are not to be placed in the child's regular or cumulative record or in any other way allowed to become known to persons who have no legitimate need for such information.
4. Written records, notations or reports resulting from an allegation against a division employee shall be retained by the Superintendent in strict confidence pending the outcome of any investigation which may be undertaken by the appropriate authorities.

V. Protection for Person Reporting Child Abuse

Under Subsection 18(1.1) of the Act, no action lies against a person for reporting a child in need of protection in good faith. Furthermore, the identity of the reporting person is not disclosed to the family of the child except as may be required in the course of a judicial proceeding or with the reporting person's specific consent.

VI. Communication and Cooperation with Community Agencies

Since it is important to maintain cooperation among all elements of the community, the superintendent shall ensure that such actions are taken as are thought necessary to pursue and maintain open channels of communication with child caring agencies and police particularly with respect to:

1. development and maintenance of clear and mutual understanding of relative jurisdictions, roles and responsibilities;
2. identification of problems which exist or may arise in the working relations of school, police and child caring agency personnel; and
3. development and implementation of specific procedures to solve or forestall such problems.

VII. Staff Knowledge of Procedure

Principals shall ensure that all members of their staffs are familiar with this procedure and are adequately prepared, through periodic in-service presentations or other methods, to be alert to the signs of child abuse and to be knowledgeable concerning reporting procedures.



NOTE OF CLARIFICATION ON CHILD ABUSE PROCEDURE

While the Child Welfare Act and the subsequent regulations indicate that the legal responsibility to report remains with the person who suspects the abuse, we encourage teachers and non-teaching personnel to work closely with the school administrator in inquiring into and reporting on suspected cases of child abuse. We do this so that the classroom teacher and the classroom atmosphere can be reasonably shielded from events subsequent to reporting that may place undue and unnecessary stress on both teacher and classroom. Also, as administrators are ultimately responsible for all activities occurring within their schools, the full knowledge and involvement of administrators in matters that may result in inquiries directed to or through the school is desirable.

Nothing in this note of clarification relieves any employee of Western School Division of his/her responsibilities under the Act to ensure that suspected abuse situations are properly and promptly reported.

Reference:

Reporting of Child Protection and Child Abuse: Handbook and Protocols for Manitoba Service Providers (August 2013)

Reviewed: August 2016