

Administrative Procedure 4030

Child Protection and Child Abuse

Board Governance Policy Cross Reference: [1, 12, 13](#)

Administrative Procedures Cross Reference:

Form Cross Reference:

[Reporting Suspected Child Abuse Form](#)

Legal/Regulatory Reference:

[The Child and Family Services Act](#), sections 17, 18

[Reporting of Child Protection and Child Abuse](#): Handbook and Protocols for Manitoba Services Providers (2013)

The Interlake School Division (ISD) and all the employees have a professional, legal and moral responsibility to children in need of protection, where the life, health, or emotional well-being of the child can be endangered by the act or omission of another person.

As such, the ISD adheres to the legal requirements of [The Child and Family Services Act](#) (CFS) of Manitoba regarding children in need of protection and has adopted the following guidelines and procedures to guide the actions of management and staff.

Protocols outlined in the [Reporting of Child Protection and Child Abuse](#): Handbook and Protocols for Manitoba Services Providers shall guide the responses of Division and school personnel to information that indicates students are in need of protection.

Suspensions that a child is in need of protection must be reported to a Child and Family Services (CFS) 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. ISD 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.

School personnel shall document all reports made to Child and Family Services of suspected child abuse by using the [Reporting Suspected Child Abuse Form](#) and sending a copy to the Student Services Administrator at the Division Office.

A. Criteria for Abuse

According to subsection 17(2) of [The Child and Family Services Act](#) (CFSA);

"Abuse" means an act or omission by any person where the act or omission results in:

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

Subsection 17(2) of CFSA lists examples of situations where a child ought to be considered in need of protection. The list provides criteria to assist in identifying such children. The CFSA states a child is in need of protection where a child:

- a) is without adequate care, supervision or control;
- b) 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;
 - ii. whose conduct endangers or might endanger the life, health or emotional well-being of the child;
 - iii. who neglects or refuses to provide or obtain proper medical 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 behavior, condition, domestic environment or associations of the child or 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 section 63 or of an unlawful sale under section 84, of the Child and Family Services Act.

B. Protection for Informant

The Child and Family Services Act provides that "...no action lies against a person who reports information to the Director of the Child and Family Services Act or a child caring agency in accordance with this section unless the reporting of this information was done maliciously or without reasonable or probable cause."

C. Procedure for Reporting

1. In cases where the employee has reasonable or probable cause to suspect child abuse, the employee will inform the school guidance counsellor of these suspicions and shall make an oral report forthwith to the local CFS agency. The school counsellor will notify school Principal who will notify the school social worker.
2. The employee will, as a follow-up to the oral report, submit a written version of the report using the [Reporting Suspected Child Abuse Form](#) as soon as possible thereafter. This written report will be witnessed by the school Principal to indicate that the Principal is aware that the report has been made. It is to be noted that the legal responsibility to report lies with the person who suspects the abuse and cannot be transferred.
3. The school counselor will send the Child Protection/Suspicion of Abuse Report in a sealed envelope marked confidential to the Student Services Administrator. The Student Services Administrator will read the form, seal it in an envelope and file it in a locked cabinet.
4. The school counselor and/or the School Social Worker will discuss details of the incident with appropriate personnel from CFS Services if such action is deemed necessary by CFS. Otherwise, no other action will be taken by the School Division.
5. In cases where grounds for suspecting abuse are of an uncertain nature, the person is encouraged to inquire or consult with the local CFS, the school guidance counsellor or school Principal. This inquiry or consultation is to be distinguished from formal reporting.
6. Irrespective of whether the reporting party is school-based personnel, when reports of child abuse cause child protection personnel to interview a child at school, the Principal or designated school personnel will be present at the interview unless the child expresses a preference to be interviewed without school personnel present. Any school personnel present at an interview as specified shall act only as an observer and refrain from any participation in the interview.
7. Employees shall not contact the child's family, or the suspected perpetrator, or any other persons to inform or to further investigate the cause or circumstances of the suspected abuse. This is the role or responsibility of the police or CFS.
8. When an employee has reason to believe they have witnessed abuse of a child by another employee, the person should report directly to the school Principal, the Superintendent/CEO or designate and/or CFS. Under no circumstances should such an allegation be discussed with any other person. The responsibility for investigation and follow-up lies with CFS.

D. Information Sharing and Confidentiality

A record made under the CFS Act is confidential and no person shall disclose or communicate information from the record in any form to any person except:

- where giving evidence in court; or
- by order of a court; or
- to the Director of CFS, or to a person employed, retained or consulted by the Director or any agency appointed in the course of administering or enforcing any provision of the CFS Act.

To ensure that the best course of action is taken, the Superintendent/CEO or designate will cooperate with the authorized agencies and professionals in the mutual sharing of information necessary for the investigation and treatment process.

E. 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.

1. 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.
2. 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, who should come in person to the facility to apprehend the child and take the child to a place of safety.
3. 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.
4. 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 unacceptable to leave the school staff with the responsibility of dealing with the person who's child was apprehended, and any such occurrences should be reported by ISD staff to the Director of the Child and Family Services Agency so that corrective actions can be taken to avoid future occurrences.

F. Notification of Employees-Alleged Abuse of Children

Interlake School Division will act ethically towards an employee when a report of alleged abuse by that employee is to be made or has been made. The Superintendent/CEO or designate shall inform the employee that a report has been made but will not reveal any details about the alleged incident with that employee.

The employee will be suspended (with or without pay) until the matter has been investigated by the local authorities. In situations where a person is charged with an offence under the Criminal Code or the CFS 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.

If charges are laid and the employee is to be found guilty of child abuse, the employee's employment shall be terminated immediately.

G. Staff Knowledge of Policy

The Superintendent/CEO or designate shall ensure that all employees 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. School Principals shall provide orientation to this procedure to all school based staff on an annual basis. School social workers will support administrators with annual staff training for the Child Protection and Child Abuse Protocol for Schools.