

Child Abuse Reporting

Administrative Procedure 8.040

Board Governance Policy Cross Reference: 1, 2, 3, 4, 12, 13, 16, 17
Legal Reference: Child and Family Services Act; Reporting of Child Protection and Child Abuse; Handbook and Protocols for Manitoba Service Providers

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Report Forms available in Section 9.0 (Forms) of this manual.

1. Child Abuse Policy

In Manitoba, the CFS Act requires that every school district staff must report, or cause to be reported, any case of suspected child abuse relating to a child attending that school. It further states that anyone who has information that leads the person reasonably to believe that a child is being or has been abused or is in need or protection or might be in need of protection must report this suspicion. The following policies shall govern the actions of persons employed by the School District of Mystery Lake with respect to child abuse.

2. Definitions

- A. “Child” means a person under the age of majority.
- B. “Abuse” is an act or omission by any person where the act or omission by any person results in:
- Physical injury to the child (physical abuse);
 - Emotional disability of a permanent nature in the child or is likely to result in such a disability (emotional abuse); or
 - Sexual exploitation of the child with or without the child’s consent (sexual abuse)
- C. Child in Need of Protection
 CFS Act 17(2) lists examples where a child ought to be considered in need of protection. These include where a child:
- a) is without adequate care, supervision or control;
 - b) is in the care, custody, control or charge of a person

- who is unable or unwilling to provide adequate care, supervision or control of the child, or
 - whose conduct endangers or might endanger the life, health, or emotional well-being of the child, or
 - who neglects or refuses to provide or obtain medical or other remedial care of treatment necessary for the health or well-being of the child or who refuses to permit such care of 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 *The Adoption Act* or of a sale under section 84.

3.1 Reporting a Child in Need of Protection:

CFS Act 18(1) Where a person has information that leads the person reasonably to believe that a child is or might be in need or protection, the person shall forthwith report the information to an agency or to a parent/guardian of the child. (Forthwith means at once.)

3.2 Reporting to a Parent or Guardian:

CFS Act 18(1) recognizes parents and guardians as the primary protectors of children in society. Often notifying a parent will ensure the protection of a child and no further action will be necessary.

If a school district staff cannot determine whether the report can/should be made to a parent/guardian directly, it is strongly recommended that the school division's staff or other reporting individual consult first with the Child and Family Services Agency.

A continuing obligation is placed on a person to report a child in need of protection to an agency where, in the course of notifying a parent or guardian, the person finds the parent or guardian unable or unwilling to provide adequate protection to the child.

3.3 Reporting to an Agency Only:

A report should be made to an agency rather than a parent/guardian where a 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*
 - *is responsible for causing the child to be in need of protection,*
or
 - *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 by a parent or guardian of the child or by a person having care, custody, control or charge of the child;*

3.4 Duty of the School District Staff to Report:

The duty to report applies even where the person has acquired the information through the discharge of professional duties or within a confidential relationship such as a doctor-patient relationship.

(The exception is if a lawyer acquires this as information within a solicitor-client relationship.)

CFS Act 18.3 Where a person,

- a) through an act or omission of the person, causes a child to be a child in need of protection;
- b) fails to report information as required;
- c) discloses the identity of an informant; or
- d) interferes with or harasses an informant;

the person commits an offence punishable on summary conviction.

3.5 Report of Conclusion

CFS Act 18.4(2) Where an agency concludes, after an investigation, that a child is in need of protection, the agency shall report its conclusion

- a) to the parent or guardian of the child
- b) where there is no parent/guardian of the child, the person having full time custody or charge of the child
- c) to the person, if any, who is identified by the investigation as the person who caused the child to be in need of protection
- d) in the case of a person under clause (c) whose employment
 - involves the care, custody, control or charge of children, or
 - permits unsupervised access to children

- to the employer or the manager or supervisor at the place of employment;
- e) where the child attends school, to the principal of the school or the superintendent of the school division in which the school is located
 - f) to the child where, in the opinion of the agency, the child is capable of understanding the information and disclosure to the child is in the best interests of the child, and
 - g) to the person who reported the information that give rise to the investigation, except where disclosure is not in the best interests of the child.

An agency will not report its conclusion where a criminal investigation is pending.

3.6 How to Make a Report

It is a legal responsibility and duty of anyone who reasonably believes that a child is, or might be, in need of protection or suffering from child abuse to report the information to a CFS Agency, or if deemed appropriate, to a parent or guardian. The person whom the disclosure was made to is legally obligated to report it.

Reason to believe: based on what you have observed, or the information that you have received, you believe a child may be in need of protection and/or at risk. You do not need to be certain that abuse is taking place. It is the duty of the CFS Agency to investigate the situation.

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

Be prepared to give the following information:

- name, address, phone number and sex of the child; name and address of the parent/adult suspected of abuse (if known); names and ages of siblings
- the nature of the suspected concern about protection, the documented indicators that have led to this suspicion, including dates/ times, mention previous calls to agency regarding child, if any
- your opinion on the urgency of the situation in terms of the child's safety and the expected time that the parent/guardian arrives to pick up the child or the child is dismissed
- your name, prof. address, phone number and your professional duties in relation to the child.

If a person is not certain that concerns about a child are serious enough to warrant a report, it is strongly recommended to consult with a CFS Agency. It can advise you about the need to report and to whom to report.

For steps in reporting, see Appendix A

3.7 Confidentiality

The exact information included in a report to an agency, parent/guardian is confidential and is protected under the CFS Act. A “Record of Oral Report of Suspected Child Abuse” (Appendix B) should note that an agency was called, including date, time and person spoken to.

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

This means that school district staff cannot tell others in the community about a report that a child might be in need of protection. It also means that a CFS Agency cannot tell others in the community the identity of the reporter of child abuse.

3.8 Who Reports a Child in Need of Protection

It is the responsibility of the service provider who suspects child abuse, or to whom there has been a disclosure, to report the abuse.

School principals should be informed that a suspicion of child protection has been reported. If staff and principal in a school disagree about reporting, then the CFS Agency should be consulted regarding these concerns.

3.9 Failure to Report

Failure to report by any professional can have three serious consequences:

- a) the child will not receive the protection required and/or may sustain further abuse
- b) the family situation is likely to continue to deteriorate, putting the child (and any siblings) at further risk
- c) the educator could face both legal and professional penalties.

3.10 Apprehension of Children from School Settings

- a) CFS 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), CFS staff will not realistically be able to attend in person to apprehend the child. In these cases, CFS staff should delegate the responsibility to the local police or a member of the local school division, who should come in person to the school to apprehend the child and take the child to a place of safety.

- c) School district staff should always verify the identity of the staff person representing CFS before releasing the child to that person's care and custody.
- some CFS staff may present an identification card with their photograph attached to this card;
 - where such identification is not available, school division staff should telephone the supervisor of the CFS representative and verify the person's physical appearance and personal identity. Agency staff should cooperate with the school division staff, as these procedures are in the best interests of the child and take only minutes.
- d) IN ALL CASES, it is the responsibility of the persons apprehending the child to notify the parents, guardian or other person caring for the child at the time of 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 whose child was apprehended, and any such occurrences should be reported by the school division staff to the Director of the Child and Family Services Agency so that corrective action can be taken to avoid future occurrences.

- e) School District of Mystery Lake prefers that children are not apprehended directly from the school setting. If an investigating worker feels that the child must be immediately placed in a protected environment then apprehensions may occur. Workers are expected to follow their procedural guidelines for such apprehensions.

3.11 Talking to Children about Child Abuse

CFS Agencies, the police and medical child abuse units are the agencies trained to interview children about alleged or possible abuse and assault. At times, however, a school division staff may need to ask a child about a suspicious injury to gain the child's impression of its origin. Or, more likely, a child may approach an educator to talk about abuse. Such communication may occur through a direct disclosure of abuse or indirectly through play and social interaction with other children.

In most circumstances, school division staff should discuss the alleged abuse with the child only to clarify what the child is communicating and then to reassure the child that the concerns are taken seriously and believed. The alleged abuse should then be reported to a mandated agency so that a full interview can take place. Any further discussion of alleged abuse by the school division staff with a

child would depend on the child's development level and interest in talking about it.

If a child wishes to talk about an allegation, it is best to listen, conveying a sense of support and belief. Adults should not display anger or disgust at the abuse or the child's parent, guardian or the alleged offender since children can misunderstand, that to defend the adult or assume the feelings are directed at themselves. Particularly strong reactions can emerge if a child's disclosure reminds the adult about past abuse, fears of child abuse or other feelings.

School division staff may want to share their own experiences or feelings about child abuse with the child. It is best, however, not to do so since it may inadvertently cause the child to feel more alarmed and unprotected and also redirects the attention and focus away from the child.

Overall when talking with a child about alleged or possible abuse, **it is important not to ask leading questions**. These are questions that contain information not presented by the child. Many children will agree with a leading question simply to please an adult. Try to avoid this by asking questions that only repeat the child's words and by remembering that the school division staff role here is to support and report, not to interview and investigate.

3.12 When School Division Staff is Accused of Child Abuse

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

- an investigation by a Child & Family Services Agency and/or the police;
- criminal charges
- an investigation conducted by the employer
- a review by the Certificate Review Committee of the Dept. of Education (teachers)

A school division staff member under investigation because of suspected or alleged child abuse should contact the Manitoba Teacher's Society. Support staff should contact their local union representative.

In all situations, 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 CFS Agency must report the findings to the employer.

If a person working with children, staff or volunteer, is being investigated under a suspicion of child abuse, then vulnerable children must be protected by either suspending the person with or without pay, depending on school division policy or putting a plan in place that protects children until the investigation is complete.

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.

APPENDIX A

Steps in Reporting

- 1) Contact NCN DIA (Designated Intake Agency) at 204-778-1960 or fax 204-677-3492. Ask to speak with someone from Intake. You should use the Student Protection Report form located in Appendix C. DIA will always take a report, 24 hours a day. If someone redirects you, please advise them you need to make this report and ask them to speak with a supervisor if they feel it needs to be redirected and how they should do so. You as the reporter are not expected nor should you have to contact multiple people to make a report.
- 2) When connected with an Intake Agent please request their name for your documentation and make note of the time you've contacted them. Tell the Agent that you'd like to report a disclosure. If an intake worker is out on a call, they may ask you to fax a report and they will deal with it once back in the office.
- 3) Emergency reports should always be phoned in and please advise intake it is an emergency. If it is a general concern, such as attendance, it can be faxed and they will follow up as they are able.
- 4) The Intake Agent will ask for the demographic information that you would have recorded on the Oral Report document – child's name, age, address, known family members in the household, alternate address from parents (i.e. split home). You can read off the oral report or use CIMS.
- 5) Share the factual information you've received from the child. Answer any questions the Agent may have to the best of your ability. Record any information the Intake Agent may share with you for documentation purposes
- 6) Fax over the Record of Oral Report of Suspected Child Abuse to NCN-DIA with fax cover sheet. You can find the fax cover sheets next to the fax machine in the area of our additional supplies. Kelly has kindly shared detailed notes on how to fax. The fax number is 204-677-3492. Please keep the report with Admin and/or your school counsellor.
- 7) DIA will send reports to wherever they need to go, should the case have an open file with another agency. It is put into their central system, using a read receipt, and then the workers at DIA follow up with whomever is required.
- 8) You may not always hear back regarding the report, however, if you are concerned you may call to confirm it was received and the matter was investigated.
- 9) Please keep the written reports in the principal's office for confidential storage.
- 10) You are not required to report the concern to the RCMP. Intake will follow up with the RCMP if it is required. The RCMP may reach out to you after getting the information from intake.

APPENDIX B

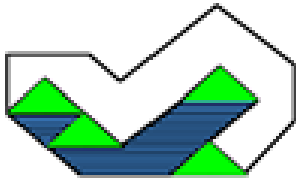
Procedures for Reporting Children in Need of Protection

School division staff and boards should ensure that suspicions that a child is in need of protection have been properly reported and that staff have acted appropriately and with confidentiality. Schools should follow these procedures:

- 1) Keeping daily records of children - the classroom teacher should keep a log of significant observations (e.g. behaviour or comments made by child, inappropriate clothing, food, etc.) that may relate to a sign or symptom of a child in need or protection or any other problems or concerns. Teacher assistants should report their observations to the child's classroom teacher and/or school administration. (See Appendix C)
- 2) Ensuring that records or reports of a suspected need for child protection are kept confidential. School division staff should clearly understand the confidential nature of this information. Names of suspected victims or offenders should not be discussed at staff or board meetings.
- 3) Reporting procedures should be reviewed annually with all school division staff. Information should include divisional policy and procedures and indicate who in the school division needs to be informed about the report i.e. Principal
- 4) Keeping observations of a child as part of an investigation or ongoing follow-up of the family involved - it is recommended that a written request from a Child and Family Services Agency be obtained before making observations of a child suspected of needing protection. Such records would be considered separate from the regular daily records of the school. Disposal and ownership of written information should be included in the written request from the mandated agency. Unless clearly directed by an agency, information kept by the school may be available to a parent on request.
- 5) Written records of communications with parents about suspicions of protection needs and behavioural concerns -as part of ongoing support to children and families, it is recommended that school division staff maintain ongoing communication with parents concerning the child's behaviour and development. This may provide a context for discussing particular issues or injuries with a parent.
- 6) Interviewing children in the school. The principal should ensure that interviews by investigating workers taking place in the school are planned as much as possible and that there is a quiet place in the school for such interviews. At times, a mandated agency may request to interview, in confidence, a child attending school without school division staff having

reported the child in need of protection (e.g. allegation or disclosure occurred elsewhere).

- 9) All prospective employees are expected to complete Child Abuse Registry and Criminal Records checks to determine if they are listed for violence or child abuse.
- 10) All school volunteers are expected to complete Child Abuse Registry and Criminal Records checks.



APPENDIX C

School District of Mystery Lake
Student Protection Report

NCN-DIA Intake 204-778-1960 Fax: 204-677-3492

Date of referral: _____ Time: _____

Name of person reporting: _____ School: _____

Name of intake worker: _____

Full name of student: _____ Gender: _____

Date of Birth: _____ Address: _____

Name of Custodial: Parent/Guardian: _____

Spoke with an intake worker Left a message Faxed report

Date of report/disclosure: _____ Time of report: _____

Immediate Safety Concerns: _____

Key Information: (Direct quotes from student; if more room is required please attach additional documentation to this report)

Name of Person Reporting: _____ Signature: _____

Relationship to Child: _____

Signature of Principal: _____

Note: *Signature of Principal indicates awareness that the report is being made. It does not indicate that the principal acts as a co-reporter in cases of differences of opinion on reporting. Original of this report to be forwarded to Principal for confidential storage.*