

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

This policy has been revised in Section 1 to reflect the changes in the updated Manitoba Guidelines (2013).

This policy shall serve to govern the actions of the staff of the Seven Oaks School Division with respect to reporting child abuse in accordance with the Child and Family Services Act, subsection 18 (1), which states that "Any person who has information that a child may be in need of protection shall forthwith report the information to the director or any agency and any person who fails to do so commits an offence punishable on summary conviction".

### 1. Identification / Reporting

#### Child Protection

In Manitoba it is everyone's legal obligation to protect children. This responsibility involves identifying and reporting a child who is or might be in need of protection.

#### Definition

The Child and Family Services Act defines a child in need of protection..."where the life, health or emotional well-being of the child is endangered by the act or omission of a person." The intent of the legislation is to ensure appropriate steps are taken to protect children in need of protection regardless of the circumstances.

#### Identifying A Child in Need of Protection

The Act lists examples of situations where a child ought to be considered in need of protection. The list provides legal criteria to assist in identifying such children. The Act states a child is in need of protection where a child;

- (a) "is without adequate care, supervision or control;
- (b) is in the care, custody, control or care 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 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, including where the child is likely to suffer harm or injury due to child pornography;
- (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."

### **Reporting A Child In Need of Protection**

The Act also requires a person to report a child in need of protection to an agency or a parent or guardian. An agency means a child and family services agency. The Act states..."where a person has information that leads the person reasonably to believe that a child is or might be in need of protection..., the person shall forthwith report the information to an agency or to a parent or guardian of the child." The key words in understanding the legal obligation to report are "reasonably to believe". The obligation to report is based on what a reasonable person ought to do in a given situation. While reporting a child in need of protection is mandatory, some discretion is required in deciding on whether or not the child is or reasonably might be in need of protection.

### **Reporting To A Parent Or Guardian**

This provision recognizes parents and guardians as the primary protectors of children for the vast majority of children in society. Often notifying a parent will ensure the protection of a child and no further action will be necessary.

## Reporting To An Agency Only

There are situations, however, where a person must notify an agency only. The Act States: where a person...

- "does not know the identity of the parent or guardian of the child;
- 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
- has information that leads the person reasonably to believe that the child is or might be suffering abuse; subsection (1) does not apply and the person shall forthwith report the information to an agency."

## Child Abuse

### Definition

- Abuse means "an act or omission by a parent, guardian or a person in whose care a child is which results in:
  - physical injury to the child
  - emotional disability of a permanent nature in the child or
  - is likely to result in such a disability, or
  - sexual exploitation of the child with or without the child's consent."

The definition of child abuse has been expanded to include any person having care, custody or charge of children.

- Child means "a person under the age of majority."
- Physical abuse is "any non-accidental injury of a child which exceeds that which could be considered reasonable discipline." Unexplained bruises and welts are the most common indications of physical abuse.
- Emotional Abuse means "acts or omissions on the part of the parent or person in charge of the child." These acts or omissions include but are not restricted to:
  - any unwillingness or inability to provide appropriate care, control, affection or stimulation for a child;
  - making inappropriate demands upon a child;

- exposing a child to frequent family violence tending to produce permanent or long-term emotional disability including:
  - non-organic failure to thrive;
  - developmental retardation;
  - serious anxiety, depression or withdrawal;
  - serious behavioural disturbances.
- Sexual Abuse means "any exploitation of a child, whether consensual or not, for the sexual gratification of a parent or person in charge of the child or a third party and includes, but is not necessarily restricted to: sexual molestation, sexual assault, and the exploitation of the child for purposes of pornography or prostitution."
- Third party assault means "abuse which occurs outside the family."

These definitions are based on those in the Teachers' Protocol on Child Abuse prepared by the Manitoba Teachers Society (2000), the Manitoba Guidelines on Identifying and Reporting a Child in Need of Protection (Including Child Abuse) (2013) and The Child and Family Services Act (2016).

### **Identifying Child Abuse**

The Act refers to three conditions or types of abuse - physical injury, emotional disability of a permanent nature and sexual exploitation with or without a child's consent. Where one or more of these conditions exists as a result of an act or omission of a parent, guardian or other care provider, the child ought to be considered as suffering abuse and the matter must be reported to an agency. Abuse involves both factors - the condition of the child and an act or omission of a care provider.

### **Reporting Child Abuse**

The Act requires a person to report a child who is abused or is in danger of being abused to an agency. Once the situation is reported, the agency is responsible for taking action to protect the child, contacting the police, arranging a medical examination and informing the parent or guardian.

## **2. Protection for Informant**

Subsection 18 (4) of The Child and Family Services Act provides that "No action lies against a person for providing information in good faith and in compliance with subsection (1)."

### 3. Procedures for Reporting Abuse

In cases where the person has reasonable cause to suspect child abuse, he or she shall make an oral report forthwith to one of the following agencies:

- child caring agency;
- police;
- medical child abuse unit.

For a list of CFS designated Intake agencies go to <http://www.manitoba.ca/intakeagencies> agencies or page 51 of the Reporting of Child Protection and Child Abuse Handbook <http://www.pacca.mb.ca/products.html>. Concurrent with making the oral report, the person reporting shall complete a hand written report entitled the Child Protection Referral form. The original report will be sent to the Assistant Superintendent, Student Services where it will be stored securely. The person reporting is advised to keep a confidential copy of the report as well.

Under no circumstance is it to be placed in the student's cumulative record.

It is noted that the legal responsibility to report lies with the person who suspects the abuse and that this responsibility cannot be transferred.

In cases where grounds for suspecting abuse are of an ambiguous or uncertain nature, the person is encouraged to inquire or consult with the child caring agency. This inquiry or consultation is to be distinguished from formal reporting. If, as a result of this inquiry, it is determined that there are insufficient grounds to proceed with a formal report, the person may nevertheless approach the principal of the school who may arrange for case conferencing or for the provision of support services from the appropriate resource people.

School staff shall not contact the student's family, nor the suspected perpetrator, nor any other persons to inform or to further investigate the cause or circumstances of the suspected abuse. This is the role and responsibility of the police and child caring agency.

In cases of third party abuse, the school staff, in consultation with the child caring agency or the police, may decide that the school will inform the child's parents or guardian that a report has been made.

The responsibility for investigation and follow-up lies with the outside agencies. In accordance with the Manitoba Guidelines, the child caring agency is expected to inform the school of action taken on the report of the earliest appropriate time.

#### 4. Information Sharing and Confidentiality

To ensure that the best course of action is taken, the school shall cooperate with the authorized agencies and professionals in the mutual sharing of information necessary for the investigation and treatment process.

Information related to the allegations or suspicions of child abuse is to be held in strict confidence, with the exception of the transmittal to authorized persons of information necessary in the conduct of investigation and treatment. 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.

#### 5. Communication and Cooperation with Community Agencies

Since it is important to maintain cooperation among all elements of the community, the superintendents' department 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:

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

#### 6. Staff Knowledge of Policy

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



SEVEN OAKS  
SCHOOL DIVISION  
*community begins here*

## CHILD PROTECTION REFERRAL FORM

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Student's Name:			
	LAST		FIRST
Address:			
Date of Birth:			
Parent's/Caregivers Names:			
Address:			
Phone Number:			
	Home	Work	Cell

**To determine if there is an open CFS file call ANCR at 204.944.4200**

**New Referral**

<b>Referral to: All Nations Coordinated Response Network (ANCR)</b> <b>Phone: 204.944.4200 Fax: 204.944.4250</b>
Date and Time of referral to CFS:
ANCR CFS Worker's Name:
Phone Number:

**Open File**

Date and Time of Referral:	
Child Welfare Agency:	
CFS Worker's Name	
Phone:	Fax:

**For child abuse disclosure/concerns**

Date and time of disclosure:

Nature of concern:  Physical                       Sexual                       Social/Emotional

Name of alleged abuse and relationship to child/youth:

Description of injury (include location on body, size, shape, colour):

Description of incident (include direct quotes from child/youth):

**For other child welfare concerns**

Description of concern:

Other comments or notes:

What specific follow-up actions did the child welfare agency indicate they would be taking:

**Name of person making report:**

Job Title:

\_\_\_\_\_  
Signature of Person Reporting

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

Send **original form** via interoffice mail to:  
**Director, Support Services, School Board Office**