



CHILD ABUSE PROTOCOL

Preamble

“The Child and Family Services Act” outlines the responsibilities of, and protection for, persons in regard to reporting child abuse.

The policy of the Portage la Prairie School Division is one of compliance with “The Child and Family Services Act.”

The definition of the a child in need of protection is found in Section 17 of “The Child and Family Services Act” and is set out below:

17(1) For the purposes of this Act, a child is 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.

17(2) Without restricting the generality of section (1), a child is in need of protection where the child:

- a) is without adequate care, supervision, or control;
- b) is in the care of a person:
 - i. who is unable or unwilling to provide adequate care, supervision, or control of the child, or
 - ii. whose conduct endangers or might endanger 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 subjected to aggression or sexual harassment that endangers the life, health, or emotional well-being of the child;



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- 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.

The following procedures shall govern the actions of persons employed by the Portage la Prairie School Division with respect to child abuse.

1. Reporting

Section 18(1) of the Act states:

“Subject to subsection (1.1), where a person has information that leads 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.”

- a) In cases where an employee has reasonable cause to suspect child abuse, he or she shall inform the Principal or immediate supervisor of these suspicions and of the fact that a report is being made and shall make an oral report forthwith to one of the agencies listed in 1.(e) of this policy.

For future reference, written notes detailing the information presented and leading to reasonable cause to believe that a child has been or is being abused, including the time, date and circumstances under which the information was presented, shall be prepared and retained by the staff member. Similarly, the Principal/supervisor shall maintain written notes detailing the time, date and circumstances under which the matter was drawn to his/her attention.

- b) Reporting of suspected child abuse is generally a formal act; however, on occasion it may be appropriate to utilize a more informal approach as outlined below:
 - i. Informal inquiry - this approach is to be used where the grounds for suspecting abuse are ambiguous or uncertain. The employee consults with his/her Principal/Supervisor and the child caring agency for the purpose of determining if a formal report will be filed. If, as a result of this inquiry, it is determined to be inappropriate or unnecessary to proceed with a formal report, consideration should be given to the provision of support services by the child caring agency or School Division.
 - ii. Formal Report - the required procedure for filing a formal report is as outlined in section 1. a. above.



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- c) School Division staff 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 action is the role and responsibility of the RCMP or child caring agency, as they have a legal mandate to intervene on behalf of the child.
- d) In the event there is suspected child abuse by an employee of the School Division, this information is to be immediately communicated to the Principal, Supervisor, or Superintendent. If this information is received by the Principal or Supervisor he/she is to forthwith inform the Superintendent. The Superintendent will immediately inform the School Board Chairperson, and, where required, the Minister of Education.
- e) Reports of child abuse are to be made to any one of the following authorized agencies:
 - i. Child and Family Services of Central Manitoba
25 3rd Street S.E.
Portage la Prairie, MB R1N 1N1
Telephone: 857-8751
 - ii. RCMP
340 Lorne Ave. E.
Portage la Prairie, MB R1N 3M8
Telephone: 857-8767
- f) 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 Principal of the school or the Superintendent of the School Division of action taken on a report at the earliest appropriate time. Other employees in a need-to-know position will be advised by the Principal or Superintendent.

2. Student Interviews at School

- a) By the RCMP - The RCMP Operational manual states as follows:

"YOUNG PERSONS"

- a. Unless circumstances dictate otherwise, young persons should be interviewed in the presence of a parent or guardian in their home or at the Detachment Office.
- b. Interviews at school will be undertaken:
 - A.** only in emergencies
 - B.** with the Principal's cooperation
 - C.** outside the classroom, and
 - D.** during other than examination periods.



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- b) By a child caring agency (CFS or DOCFS): Interviews conducted at the school must be held in private, in a non-threatening atmosphere preferably not in an administrative office. See also: JFM

3. Information Sharing and Confidentiality

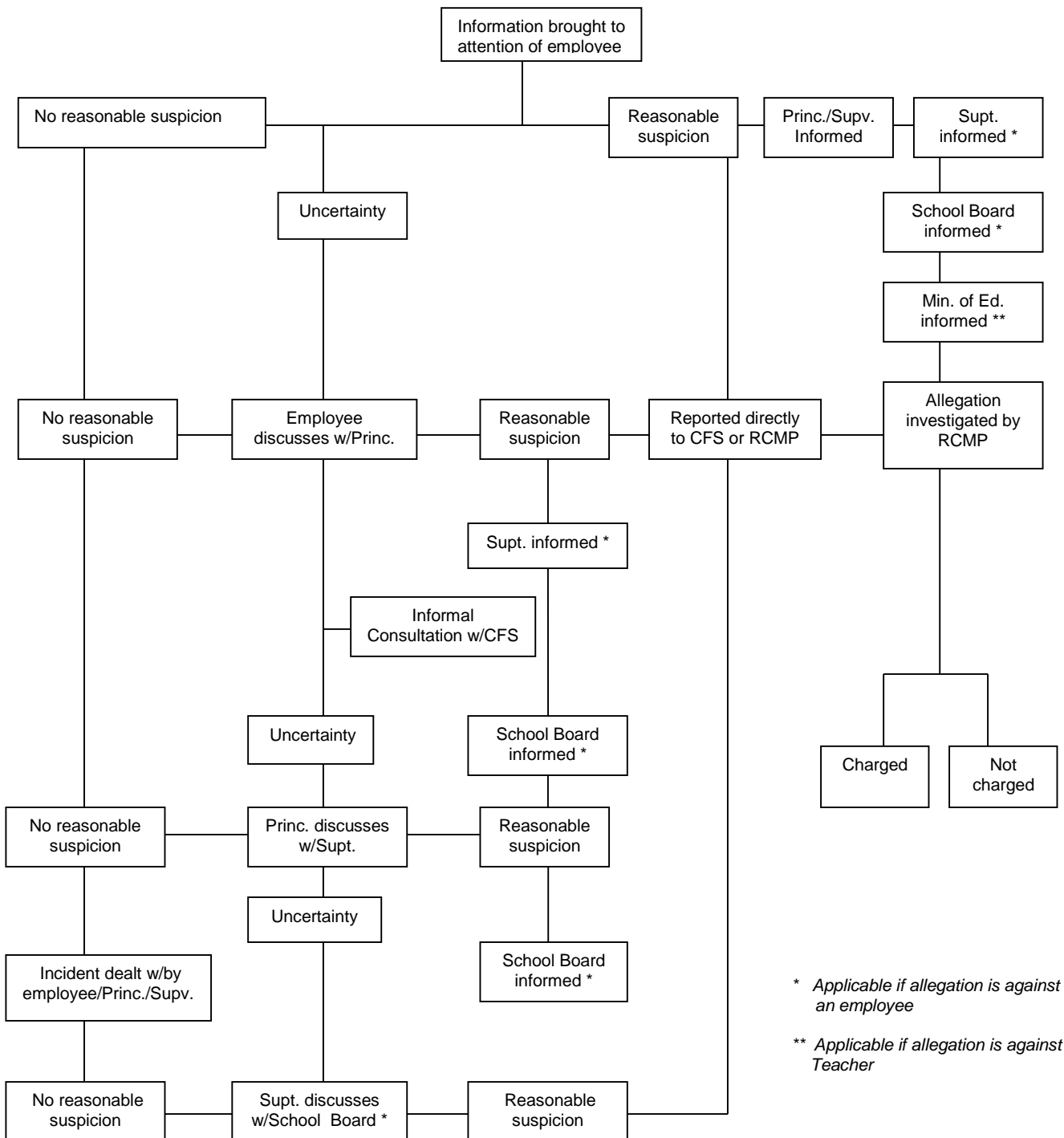
- a) To ensure the best course of action is taken, division personnel shall cooperate with the authorized agencies and professionals in the mutual sharing of information necessary for the investigation and treatment process.
- b) With the exception of the transmittal to authorized persons of information 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 file or in any other way allowed to become known to persons who have no legitimate need for such information.

4. Staff Knowledge of Policy

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



PROTOCOL FOR DEALING WITH INFORMATION OF POSSIBLE CHILD ABUSE



* Applicable if allegation is against an employee

** Applicable if allegation is against a Teacher

