



Guiding Legislation: ***The Child and Family Services Act*** (the CFS act)

<https://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>

PRSD requires all employees to be vigilant in efforts to protect all children from abuse and to report all suspicion of same. The legal responsibility to report lies with the person who suspects the abuse and the responsibility cannot be transferred.

No employee shall in any way restrict, inhibit, or discipline other staff persons reporting a child in need of protection.

PRSD adheres to the protocol and guidelines as outlined in the *Reporting of Child Protection and Child Abuse Handbook and Protocols for Manitoba Service Providers*.

[http://www.cpmb.ca/documents/Reporting\\_Handbook.pdf](http://www.cpmb.ca/documents/Reporting_Handbook.pdf)

### **1. Definitions:**

**Child Abuse** means an act or omission by any person 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 exploitation of the child with or without the child's consent;

**Child Neglect** is the failure of a child's primary caregiver to provide adequate food, clothing, shelter, supervision and/or medical care. Child neglect involves an act of omission by a parent or guardian, resulting in (or likely to result in) harm or imminent risk of harm to a child.

**Child in Need of Protection** occurs when the life, health or emotional well-being of the child is endangered by the act or omission of a person. Specific examples where a child ought to be considered in need of protection:

- 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 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, 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 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 The Adoption Act or of a sale under section 84.

**School Staff** refers to all Prairie Rose School Division employees and volunteers (including but not limited to teachers, educational assistants, volunteers, clinicians, administrators, custodians, bus drivers, librarians, coaches).

**Agency** means a Child and Family Services agency.

## **2. Legal Duty to Report a Child in Need of Protection, including Child Abuse**

School staffs have a duty of care to protect and preserve the safety, health and wellbeing of children in their care and must always act in the best interests of those children.

For children with disabilities, the usual risk factors for child abuse (dependence and vulnerability) are intensified. When working with a child with a disability, be aware of the factors that increase the risk of abuse among children with disabilities, as well as the unique challenges that can prevent or limit children with disabilities from disclosing experiences of abuse.

When dealing with a case of suspected child abuse or a child in need of protection school staff must respect confidentiality. Staff may discuss case details and the identity of the child and their family only with those involved in managing the situation.

### **Responsibility to Report**

The primary responsibility for reporting a child in need of protection rests with the individual who suspects it. Consultation with others in authority in the division (principal, social worker) is advised. Such consultation is not the same as reporting and does not take the place of the reporting requirements of the CFS Act.

If you believe that a child is, or might be, in need of protection or suffering from child abuse or you observe indicators of child abuse, or if a child or another party has disclosed an incident of abuse, your role is to report the situation to a CFS agency or to the police as soon as possible. It may be important to obtain clarification about the situation, but it is not your responsibility to interview the child or to go into specific details about the circumstances surrounding the suspected incident(s) of child abuse.

You do not have to know for sure if a child is in need of protection. If, in your honest judgement, you believe that a child may not be safe, you are legally required to report it.

If you have questions or are unsure if the signs that you are observing are a cause for concern, contact a child and family services (CFS) agency. Their staff can help you determine if a child may be at risk.



### **When to Make a Report**

Children who are victims of child abuse and/or neglect are in a very vulnerable state. They will choose to disclose their situation to someone whom they trust. If a child discloses that they have been (or are being abused), or if you observe child abuse indicators, you should:

- Remain calm and non-judgmental.
- Let the child know that she/he did the right thing in telling you their situation.
- Remind them that they are safe and that they were very courageous for speaking up.
- Take notes. Immediately after the child's disclosure, write down as much as you can of what the child told you. This will help ensure accuracy when reporting to the appropriate authority. Direct disclosures may be admissible in court, so accuracy is important.
- It is important not to question the child further

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

- a.) As outlined in the CFS act, any person who has information to reasonably believe that a child is, or might be in need of protection has a legal obligation to report this information to a child and family services (CFS) agency or, if deemed appropriate to the parent(s) or guardian(s). In the case of making a report to a parent/guardian, it must be believed that the parent/guardian can protect the child once information about the suspicion is given. If in doubt, consult with the Child and Family Services Agency first.
- b.) A person having information that leads the person reasonably to believe that a child is or might be in need of protection and where a person:
  - i. does not know the identity of the parent or guardian of the child;
  - ii. 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
  - iii. is unable or unwilling to provide adequate protection to the child in the circumstances;
  - iv. 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; subsection (1) does not apply and the person shall forthwith.

### **3. Procedures for Reporting Parents/Guardians**

PRSD staff does not need permission from his/her supervisor to make a report.

Child abuse reports should be made immediately to protect the child from any possible further danger or consequences of delay. As a PRSD staff person, you need to call a CFS agency about your concerns. If you think the child is in immediate danger, you need to contact the police.

- a.) Complete form CHILD PROTECTION/SUSPICION OF ABUSE REPORT prior to placing the call as it will provide the essential information required for the report.



- b.) Place the call to the appropriate CFS Agency:

**Area 2:** Child and Family Services of Central Manitoba—**1-204-857-8751**

(All schools within PRSD, as well as St. Ambroise students)

**Area 12:** Rural and Northern Services-Interlake—**1-204-467-4420**

(St. Laurent School excepting St. Ambroise students)

Province-wide intake an emergency, after-hours child and family services line toll free:

**1-866-345-9241**

If you think a child is in immediate danger, call 911 or your local police station.

Child and Family Services Contacts: <http://gov.mb.ca/fs/childfam/cfsagencies>

- c.) Provide the CFS Agency intake worker with the information as prepared on form CHILD PROTECTION/SUSPICION OF ABUSE REPORT and respond to any questions with factual information
- d.) The completed CHILD PROTECTION/SUSPICION OF ABUSE REPORT form will be placed in a sealed envelope and sent to the Prairie Rose School Division Director of Student Services for confidential storage. No other copies are to be made and no copy is to be kept at the school.
- e.) The person having made the report shall inform the principal that a report of suspected child abuse has been filed. School 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 is the role and responsibility of the police or CFS Agency.
- f.) As part of an investigation, a CFS agency worker or a police officer may wish to interview the child at the school. Interviews are sometimes pre-planned by CFS workers but frequently are not, due to the nature of the allegation and the mandated responsibility to respond.

Child and Family Services (CFS) may conduct interviews of children and young people in PRSD schools without parental knowledge or consent; this may occur regardless of whether the school is the source of the report. It is the responsibility of CFS to advise the parents, caregivers or guardians of the interview at the earliest possible opportunity.

When arriving at the school to interview the child, CFS staff should present identification to school officials. It is important to note that CFS staff have the right and mandate to interview a child without parental/guardian consent. PRSD staff will provide a quiet and private place for such interviews.

- g.) On occasion, a CFS agency worker or the police 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, a CFS agency worker may apprehend the child from the school setting to a safe and protected environment. It is the responsibility of the CFS worker to notify the parent(s)/guardian(s) of a child's apprehension.



#### **4. Procedures for Reporting Personnel of Prairie Rose School Division**

Allegations or suspicions of child abuse involving a professional or a person, who is working with children in a position of trust, must be reported. The safety of the child comes first.

- a.) Complete form CHILD PROTECTION/SUSPICION OF ABUSE REPORT prior to placing the call as it will provide the essential information required for the report.
- b.) Place the call to the appropriate CFS Agency:

**Area 2: Child and Family Services of Central Manitoba—1-204-857-8751**

(All schools within PRSD, except St. Laurent)

**Area 12: Rural and Northern Services-Interlake—1-204-467-4420**

(St. Laurent School)

Province-wide intake an emergency, after-hours child and family services line toll free:

**1-866-345-9241**

If you think a child is in immediate danger, call 911 or your local police station.

Child and Family Services Contacts: <http://gov.mb.ca/fs/childfam/cfsagencies>

- c.) Provide the CFS Agency intake worker with the information as prepared on form CHILD PROTECTION/SUSPICION OF ABUSE REPORT and respond to any questions with factual information
- d.) The completed CHILD PROTECTION/SUSPICION OF ABUSE REPORT form will be placed in a sealed envelope and sent to the Prairie Rose School Division Director of Student Services for confidential storage. No other copies are to be made and no copy is to be kept at the school.
- e.) The person having made the report shall immediately inform the principal that a report of suspected child abuse has been filed. School 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 is the role and responsibility of the police or CFS Agency.
- f.) If the disclosure or suspicion involves a division employee or other adult having access to children in the school, the principal shall inform the superintendent immediately that a report has been made.
- g.) The superintendent/CEO will cause an investigation to be conducted in order to determine what further action may be necessary. The following options may be considered:
  - i. Transfer of the employee to a position that does not allow unaccompanied access to children until the allegations against the employee may be resolved
  - ii. Suspension of the employee while the allegations against the employee are under investigation;
  - iii. Upon finding of wrongdoing, take such disciplinary action against the employee as the circumstances warrant including the possible termination of employment.



h.) If a teacher is charged with an offense under the Criminal Code involving the physical or sexual abuse of children, the superintendent shall report to the Minister of Education that the teacher has been so charged.

**5. Failure to Report**

Failing to promptly report suspected child abuse is a serious offence under The Child and Family Services Act, he/she can be charged and punished on summary conviction, which can result in a substantial fine and/or prison term.

If Prairie Rose School Division personnel fail to report suspected child abuse the superintendent will launch an investigation into the conduct of that person.

**6. 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.