

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

SECTION: 300 - STUDENTS

CODE: AP 335

PROCEDURE: CHILD ABUSE

BACKGROUND

Ensuring the safety and well-being of children is a responsibility shared by every member of the community. The Division recognizes that because of their sustained contact with school-age children, teachers and other school employees are in a position to help identify and report suspected child abuse and neglect. The Saskatchewan Child and Family Services Act states clearly the requirements placed upon Division employees regarding the welfare of children attending school. The Division recognizes these responsibilities and obligations and affirms that all Division employees will be active partners with other agencies in supporting children in need of protective services.

According to Subsection 11 of the Child and Family Services Act, a child is in need of protection where:

1. As a result of action or omission by the child's parent:
 - 1.1 The child has suffered or is likely to suffer physical harm;
 - 1.2 The child has suffered or is likely to suffer a serious impairment of mental or emotional functioning;
 - 1.3 The child has been or is likely to be exposed to harmful interaction for a sexual purpose, including conduct that may amount to an offence within the meaning of the Criminal Code;
 - 1.4 Medical, surgical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner has not been or is not likely to be provided to the child;
 - 1.5 The child's emotional development is likely to be seriously impaired by failure to remedy a mental, emotional or developmental condition; or
 - 1.6 The child is exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child.
2. There is no adult person who is able and willing to provide for the child's needs, and physical or emotional harm to the child has occurred or is likely to occur; or
3. The child is less than twelve (12) years of age and:
 - 3.1 There are reasonable and probable grounds to believe that:
 - 3.1.1 The child has committed an act that, if the child were twelve (12) years of age or more, would constitute an offence under the Criminal Code, the

Narcotic Control Act (Canada) or Part III or Part IV of the Food and Drug Act (Canada); and family services are necessary to prevent a recurrence; and

- 3.1.2 The child's parent is unable or unwilling to provide for the child's needs.

PROCEDURES

1. Duty to Report

- 1.1 Each teacher or other school system employee who believes that a child is in need of protection shall immediately inform the Principal of the school. The Principal will support the employee to immediately report suspected cases of child abuse or neglect to a child protection worker or police officer.
- 1.2 It is not the responsibility of school personnel to determine if a child is abused or neglected before they report; it is their responsibility to report suspected cases of abuse or neglect.
- 1.3 If it is not clear that reasonable grounds to report exist, then consultation with the Principal and school councilor is recommended. This consultation cannot cause a delay in making a report to a child protection worker or police that would further put the child at risk.
- 1.4 Informal consultation with child protection workers or police is encouraged and may occur without making a formal report. In such consultation, the individual would explain the situation without giving names or other identifying information. The consultation would not constitute a referral or require any follow-up by the child protection worker or the police.
- 1.5 The Principal, in consultation with the person reporting the suspected abuse or neglect, shall maintain a factual record (using Form AP 335.1) of all evidence and reports to aid both reporting and recall. These records are not to be kept in the student's cumulative file.
- 1.6 No action lies against a person who makes a report unless that person makes it maliciously and without reasonable grounds for his or her belief.
- 1.7 A person making a report of suspected child abuse may request that his or her name be kept confidential. However, if the child abuse investigation results in a child protection hearing or a criminal proceeding, the name of the person making the report can no longer be protected.

2. Reporting of Division Employees

- 2.1 It is possible that allegations of child abuse may be against teachers and other school personnel. In all such cases, the Principal and the Director/designate shall be informed as soon as possible, whether the report originates in the school or elsewhere.
- 2.2 A staff member who has made a report to the Principal regarding a specific situation and is not satisfied with the response is to contact the Director/designate.

- 2.3 Under no circumstances should the implicated staff member be contacted regarding an allegation or disclosure until specific instructions are received from the investigating police or child protection worker. This procedure is designed to secure the safety of the student, to ensure that the rights of the victim and the accused person are protected and to prevent possible destruction of evidence.
- 2.4 The Division will undertake to ensure the safety of any other alleged victim or potential victims through whatever means deemed appropriate, including interim suspension of the employee or removal from the school setting. Division staff are expected to be supportive of a student who has come forward, and will respect and protect confidentiality of the disclosure within legal confines. Only staff who need to know and who in no way jeopardize the investigation will be informed of the disclosure.
- 2.5 Division staff will fully cooperate with social services and the police in any investigation and provide access to any relevant information within legal confines.
- 2.6 Where a situation involving an employee is reported to social services or the police, and they decide not to pursue the matter, the matter shall be reviewed by the Director/designate in order to establish whether further action is warranted.

3. Investigation

- 3.1 The person making the report will be required to give all necessary information to the child protection worker or to the police to assist with any investigation. It is the responsibility of the child protection worker and police to determine who may have caused the alleged abuse.
- 3.2 As school staff is not responsible for investigating the allegations, they shall not contact the child's family, the alleged abuser or other individuals to either inform or further investigate the cause or circumstance of the suspected abuse. This is the role and responsibility of the child protection worker or the police.

4. Interviews of Children by Child Protection Workers and Police

- 4.1 A child protection worker or police officer wishing to interview a child at school will make the request to the Principal and may provide written confirmation of the request at the end of the investigation. The request shall confirm the meeting arrangements, acknowledge the assistance of the Principal and indicate the general outcome of the investigation with respect to the child in the school setting.
- 4.2 The child protection worker and police will usually interview the child alone. This procedure must be observed because of the sensitive nature of some investigations and to ensure that individuals who may not be comfortable with the subject matter do not hinder the effort to provide protection services to the child. The child protection worker or police may request that a staff member from the school be present during the interview to support the child.

- 4.3 Should a staff member be present at the interview, he or she is cautioned to bear in mind that by doing so, there is a possibility of being subpoenaed to give testimony at a child protection hearing or any criminal proceedings.
- 4.4 The Division recognizes the particular vulnerability of children with special needs. The reporting person and/or Principal will ensure the child protection worker and/or police are aware of whatever needs and accommodations are necessary for the child. Such accommodations are to include the presence of a known adult during the investigative process.
- 4.5 The removal of a child from the school property without parental consent by a child protection worker or the police will constitute an “apprehension” of that child and will thereby fall under the legal jurisdiction of the regulatory agencies.
- 4.6 If the child is apprehended from the school, it is the responsibility of the child protection worker or police officer to inform the parent/guardian. Should the parent/guardian contact the school, they should be redirected to the child protection worker or police officer. No further details will be provided.

5. Confidentiality

Staff members shall treat as confidential all information, reports, and discussions relative to child abuse and neglect. Principals will share information with staff on a “need to know” basis and as relevant to the student’s continued need for school services.

6. The Principal shall:

- 6.1 Annually review the Division’s procedures and protocols with regard to reporting suspected cases of child abuse or neglect with all staff;
- 6.2 Ensure that all staff are aware of the indicators of child abuse and neglect;
- 6.3 Support staff members in reporting suspected abuse or neglect;
- 6.4 Notify the Director/designate that a report has been made;
- 6.5 Make arrangements for the child protection officer and/or police to interview the child;
- 6.6 Make arrangements for the monitoring of the child’s progress and the sharing of information regarding the child as required throughout the investigation, assessment and treatment of the child and his or her family;
- 6.7 Keep a log of dates and times of interviews related to possible child abuse or neglect using Form AP 335.1;
- 6.8 Call the police if threats are made against school staff or the child; and
- 6.9 Notify the principal of the receiving school about the child’s circumstances and academic history.
- 6.10 The student’s cumulative folder may be transferred with the child, or mailed, as agreed between the principals.

7. General Reporting Procedures

- 7.1 By school staff regarding parent, caregiver or community member
 - 7.1.1 Inform/consult with Principal.

- 7.1.2 Principal contacts the school counselor.
- 7.1.3 Report is made to social services intake worker and/or police by staff member who received the first hand information.
- 7.1.4 Principal notifies the director/designate regarding the occurrence of interviews and apprehension by either the child protection worker or the police,
- 7.2 By school staff regarding Division employee (excluding Principal)
 - 7.2.1 Inform/consult with Principal.
 - 7.2.2 Principal contacts school counselor.
 - 7.2.3 Report is made to Social Services intake worker and/or police.
 - 7.2.4 Principal contacts Director/designate.
- 7.3 By school staff regarding a Principal
 - 7.3.1 Inform/consult with school counselor.
 - 7.3.2 School counselor and staff member contact the Director/designate.
 - 7.3.3 Report is made to Social Services intake worker and/or police by staff member who received the information.
- 7.4 By community member regarding Division employee
 - 7.4.1 Report is made to Social Services intake worker and/or police.
 - 7.4.2 Intake supervisor contacts Principal and/or Director/designate.
 - 7.4.3 Principal contacts Director/designate.
- 7.5 By third party to a Division employee
 - 7.5.1 Personal duty to report applies to suspecting person.
 - 7.5.2 Employee informs/consults with Principal.
 - 7.5.3 Principal informs school counselor if they have reason to believe a report was not made.

Reference: Sections 85, 87, 108, 109, 175, 231 Education Act
 Child and Family Services Act
 Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act
 Youth Criminal Justice Act
 Canadian Charter of Rights and Freedoms
 Criminal Code
 Food and Drug Act
 Narcotic Control Act

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