



Regina Roman Catholic Separate School Division # 81

Pupils 9500 Child Protection Reporting	Administrative Application	
	Effective:	February 28, 2017
	References:	The Education Act (1995), 85, 87, 108, 109, 175, 231 The Child and Family Services Act, Sec. 11, 12, 13, 74, 81 Saskatchewan Child Abuse Protocol (2014) ER-1 Treatment of Students and Parent/Guardians ER-2 Treatment of Staff and Volunteers ER-5 Asset Protection
	Status:	Operational

Preamble

The mandate of all employees of the school division is to be vigilant in monitoring the well-being of pupils in the division. All employees of the school division must perform their duties in compliance with *The Child and Family Services Act*, *The Education Act*, and *the Provincial Child Abuse Protocol (2014)*. Thus, all division employees have a duty to report suspected child abuse to an appropriate authority. Employees must collaborate with child protection agencies, police, and any other authorized service providers.

Definitions

1. **Child** - anyone under 16 years of age.
2. **Child Abuse Investigation Team** - the group of professionals involved in the management of any given child abuse case prescribed by one of these procedures.
3. **Child in Need of Protection** - defined in Section 11 of *The Child and Family Services Act*, and includes situations where the child has suffered or is likely to suffer physical harm, including neglect, or has been or is likely to be exposed to harmful interaction for a sexual purpose.
4. **Child Protection Worker** - includes a social worker employed by Saskatchewan Social Services or, in the case of First Nations Child and Family Services agencies, an employee of an agency who is providing services to the children and families living on-reserve.
5. **Officer** - means a person designated by the Minister of Social Services as an officer under *The Child and Family Services Act* and includes: a Child Protection Worker employed by the Ministry of Social Services; or, in the case of First Nations Child and Family Services agencies, an employee of an agency who is providing services to the children and families living on-reserve; or Peace Officer - Police and RCMP officers.
6. **Parent** - includes
 - the mother and father of a child;
 - a person to whom custody of the child has been granted by a court or by an agreement; or
 - a person with whom the child resides and who stands in place of a parent.
7. **Youth** - A person aged 16 or 17.



Children in Need of Protection

The Child and Family Services Act provides the mandate for the Ministry of Social Services and First Nations Child and Family Services Agencies to investigate suspected abuse and neglect of children by their parents, guardians or other adults in the household who provide day-to-day care and supervision of the child. Section 11 of *The Act* defines the circumstances in which a child is in need of protection.

The definitions below provide a framework for child protection intervention by responsible agencies and individuals in situations of child abuse. **All** forms of abuse identified are open to intervention, according to *The Child and Family Services Act*. Also sexual abuse, sexual exploitation, physical abuse and severe physical neglect are considered to be criminal offences according to *the Criminal Code of Canada*.

Physical Abuse refers to all actions resulting in non-accidental injury or harm. This may include non-accidental injury, cruel or excessive corporal punishment (which may or may not cause physical injury), threats of physical harm, dangerous behaviour towards a child or in immediate proximity to the child (e.g., throwing objects, use of weapons).

Sexual Abuse and Exploitation occurs when a child has been or is likely to be exposed to harmful interaction for a sexual purpose by a parent, caretaker, any person in a position of trust and/or any other person. It can include both physical and/or non-physical contact. Examples include engaging a child in sexual acts, obscene acts, taking pictures of a sexual nature (sexual exploitation), pornography, voyeurism, exhibitionism and threatening sexual assault, as well as the utilization of "grooming"¹ techniques.

Physical Neglect refers to acts of omission on the part of the parent/caregiver. This includes failure to provide for the child's basic needs and appropriate level of care with respect to food, clothing, shelter, health/medical, hygiene, safety and supervision as determined by the minimum levels of care standards.

Emotional Maltreatment refers to both emotional abuse and emotional neglect of the child. Emotional abuse includes excessive and overt rejection, criticism and excessive demands of performance for a child's age and ability. Emotional neglect refers to the failure of the parent/caregiver to provide adequate psychological nurturance necessary for a child's growth and development.

Exposure to Domestic Violence or Severe Domestic Disharmony refers to a child living in a situation where there is interpersonal violence, including children witnessing, hearing or being aware of violence perpetrated by one adult figure against another adult figure, or against another child.

Failure to Provide Essential Medical Treatment refers to a parent or caregiver failing to provide essential medical treatment or to remedy a mental, emotional or developmental condition of a child.

Note: While it is not legally required, abuse or neglect by a parent of a youth (ages 16 or 17) may be reported to child protection services and/or police in order to obtain assistance for the young person.

¹ Grooming is defined as deliberate actions taken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibition for sexual abuse or exploitation of the child.



Duty to Report

- a. Any employee of the school division who, through personal observation or based on discussion with a child who is a pupil, suspects or believes that the pupil is in need of protection must report this information to a child protection worker. Staff **MUST** inform the principal (or vice-principal if the principal is unavailable) prior to the report.
- b. The circumstances in which a child may be in need of protection include, but are not limited to, the following examples of abuse or neglect by a parent/caregiver:
 - physical abuse;
 - sexual abuse and exploitation (includes sexual abuse/exploitation by others);
 - physical neglect;
 - emotional maltreatment;
 - exposure to domestic violence or severe domestic disharmony
- c. Reasonable grounds for reporting do not require proof. They can
 - be subjective;
 - be based on personal observation or discussion;
 - be based on assumptions or credible second-hand information;
 - take into account the training and experience of the person reporting; and
 - still be reasonable even if the concern turns out eventually to be untrue.
- d. Duty to Report Child at Risk Due to Other Practices Prohibited Under Canadian Law

The Criminal Code of Canada prohibits the marriage of children under 16. The Criminal Code also treats female genital mutilation as a criminal act (section 268 (4)). A child at risk from the above practices is at risk of physical and/or sexual and emotional abuse and these situations should be reported.

- e. Where information has been brought to the attention of the principal, the following measures must be taken:
 - i. The principal and the staff member with direct knowledge of the concern must make an immediate report to the Ministry of Social Services, Child Protection.
 - ii. The principal and the staff member must maintain a factual record of all evidence and reports.
 - iii. The principal must report any school transfer of the child believed to be in need of protection or who is the subject of a need of protection investigation to the Ministry of Social Services and the principal of the receiving school.
- f. The principal **must** support the staff member in reporting.
- g. The staff member will not involve the principal if the principal is the subject of the report. In this instance, the staff member must contact the superintendent.
- h. A record of the objective information received and reported must be recorded by the principal in the secure school database discipline tracking system.



School Responsibilities

1. Provide support to the child
 - a. **DO** the following:
 - Validate the child's right to seek help.
 - State the right to safety.
 - Provide for physical comforts.
 - Record what the child has reported.
 - Report the suspected case of abuse immediately to a child protection worker (see 2 above).
 - b. **DO NOT** do the following:
 - Investigate for "proof."
 - Question for details.
 - Offer judgments.
 - Tell the child "what will happen."
 - Contact home or family members.
 - Remove, alter, or contaminate physical evidence.
2. **Maintain confidentiality** of all information. The fact that there is an investigation in progress is in itself confidential.
3. Support the investigation by the Child Protection Worker and/or Peace Officer.

Whether a report of suspected abuse originates from the school or another sources, it may be necessary for the child to be interviewed by a child protection worker or the police in the school setting **without parental/caregiver consent**. The interview of a child without parental consent is done in many cases of physical abuse, sexual abuse or neglect. It is critical to ensure the child's safety; therefore, **the child should be interviewed before the parents/caregivers are notified**. This provides an opportunity to ensure parents/caregivers are not able to influence the child and ensures that the child receives the required protection.

Arrangements to interview a child at school will be directed to the school principal (or designate) by the child protection worker or police. The principal (or designate) will make the necessary arrangements for a confidential interview to occur.

The child protection worker and police will determine who will be at the interview and will consider the child's support needs and comfort level. By being present at the interview, there is a possibility that the staff member may be subpoenaed to give testimony at a child protection hearing or any criminal proceedings.

A written confirmation may be provided to the school by the child protection worker and/or police highlighting the meeting arrangements, acknowledging the assistance of the principal and indicating the general outcome of the investigation with respect to the child in the school setting. If written information is provided, it must be retained in school files.



- a. The principal must:
 - Provide information and access to documentation and child.
 - Provide a secure, private location for the interview.
 - Stay with the child if asked to be there by officer.
 - Remind staff that the investigation itself is confidential and maintain confidentiality of all information.
- b. The principal/staff member must not:
 - Participate in interview (questioning) unless asked by the Child Protection Worker.
 - Offer advice/suggestions to the child.
 - Discipline the child.
 - Interfere with the officer.
- c. Protection workers/police have the legal right to investigate and follow the procedures implemented to protect children. These rights include
 - private interviews and
 - removal of the child from the school without parental knowledge or permission.
- d. The principal and reporting staff member must gather and provide documentation as requested by the Ministry of Social Services and continue involvement with the Ministry of Social Services upon request.

Awareness and Supporting Documents

Every principal must ensure that all employees are aware of and have access to the following documents:

- This Administrative Application
- Saskatchewan Child Abuse Protocol (on our internal website under Student Services)

Note: Awareness for all staff may be accomplished by notices in division offices and school staff rooms, discussions at team meetings, presentations to employees, distribution of government pamphlets and publications, and more.