

FORT LA BOSSE SCHOOL DIVISION

TITLE - **CHILD ABUSE**

POLICY - **JLDBD**

Approval Date - 08/12/97

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In accordance with the Child Welfare Act, subsection 36(3), which states that "...every person who in the course of his professional or official duties has reason to suspect that a child has suffered or is suffering from abuse that may have been caused or permitted by a person who has or had charge of the child, shall forthwith report the suspected abuse to the director or a child caring agency..." the following policies shall govern the actions of persons employed by the Fort La Bosse School Division with respect to child abuse.

1. Definitions

The following definitions of terms are based on the Manitoba Guidelines on Identifying and Reporting Child Abuse, issued jointly by the Ministers of Community Services and Corrections, Health, Education and the Attorney-General (Winnipeg, 1984), a copy of which is enclosed herewith.

- a) "**Child**" means a person under the age of majority. (In Manitoba the age of majority is currently eighteen.)
- b) "**Abuse**" means an act or omission by the parent or person in charge of the child that results in harm to the child. It includes, but is not necessarily restricted to
 - Physical beating, sexual abuse, and failure to provide reasonable protection for the child from physical harm.
- c) "**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 and includes, but is not necessarily restricted to:
 - Sexual molestation, sexual assault, and the exploitation of the child for purposes of pornography or prostitution.
- d) "**Emotional Abuse**" means acts or omissions on the part of the parent or person in charge of the child, which acts or omissions include but are not restricted to:
 - i) Any unwillingness or inability to provide appropriate care, control, affection or stimulation for a child;
 - ii) Making inappropriate demands upon a child;
 - iii) 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.

- e) A person in charge of child means a person responsible for a child's welfare and includes a guardian or person within the context of a family relationship or foster parent.

2. Protection for Informant

Subsection 36(4) of the Child Welfare Act provides that "...no action lies against a person who reports information to the director or a child caring agency in accordance with this section unless the reporting of this information was done maliciously or without reasonable or probable cause."

3. Procedures for Reporting

- a) In cases where the person has reasonable or probable cause to suspect child abuse, he or she will inform the principal of the school of these suspicions and of the fact that a report is being made and will make an oral report forthwith to one of the agencies listed in (d).

The reporter may, as a follow-up to the oral report, submit a written version of the report as soon as possible thereafter. The Principal in order can witness this written report to indicate that he or she is aware that the report has been made. (See Exhibit [JLF-E](#) for a possible format for this report.)

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

- b) 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.

- c) School staff will 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 child caring agency.

- d) Reports are to be made to any of the following authorised agencies:

- i) Child caring agency (insert here)
- ii) Police appropriate local
- iii) Medical child abuse addresses and unit phone numbers

- e) 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 at the earliest appropriate time.

4. Information-Sharing and Confidentiality

- a) To ensure that the best course of action is taken, the school shall co-operate with the authorised agencies and professionals in the mutual sharing of information necessary for the investigation and treatment process.

- b) With the exception of the transmittal to authorised 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 record or in any other way allowed to become known to persons who have no legitimate need for such information.

5. Communication and Co-operation with Community Agencies

Since it is important to maintain co-operation among all elements of the community, the superintendent 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:

- i) Development and maintenance of clear and mutual understanding of relative jurisdiction roles and responsibilities;
- ii) Identification of problems which exist or may arise in working relations of school, police and child caring agency personnel; and
- iii) Development and implementation of specific procedures to solve or forestall such problems.

6. Staff knowledge of policy

Principals shall ensure that all members of their staff, are familiar with this policy 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.

