

# ROLLING RIVER SCHOOL DIVISION POLICY

## Reporting a Child in Need of Protection

JHF/P

In accordance with the Child and Family Services Act of Manitoba, subsection 18(1), which states "... 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", the following policy shall govern the action of persons employed by the Rolling River School Division with respect to child abuse.

### 1. Definitions

Subsection 17(1) of the Act defines a child 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.*" Subsection 17(2) states a child is in need of protection where a child

- 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 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;
- 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.

### II. Staff Knowledge of Policy

All Division staff are to become familiar with The Revised Manitoba Guidelines on Identifying and Reporting a Child In Need of Protection (including Child Abuse), issued jointly by the Ministers of Family Services and Housing; Justice; Education, Training and Youth; and Health (2001), and The Child Protection and Child Abuse Manual; Protocols for School Division Staff, prepared by Manitoba Family Services and Housing (revised 2003). These documents will be distributed to all schools.

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### III. Protection for Informant

Rolling River School Division employees are protected under section 18.1 (1) of the Child and Family Services Act of Manitoba which provides that "... no action lies against a person for providing information in good faith and in compliance with Section 18." Additionally, Section 18.1(2) states that "no person shall, except as required in the course of a judicial proceeding, disclose to the family of a child reported in need of protection the identity of the informant under section 18 without written consent of the informant".

### IV. Cooperation with Community Agencies

Rolling River School Division employees will cooperate with authorized agencies as required (e.g. continued monitoring and documentation).

### V. Confidentiality

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 record or in any other way allowed to become known to persons who have no legitimate need for such information.

### Index Regulation

**Reference:** The Child Protection and Child Abuse Manual; Protocols for School Division Staff, prepared by Manitoba Family Services and Housing (revised 2003)

The Child and Family Services Act of Manitoba (March 15, 1999, Chapter 48)

**Date Adopted:** January 4, 1986

**Date Revised:** September 9, 2004

**Date Reaffirmed:** September 8, 2010

# ROLLING RIVER SCHOOL DIVISION REGULATION

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### 1. Procedure for Reporting

- a. Employees are obligated by law to report suspected cases where children are in need of protection by contacting Child and Family Services of Western Manitoba (204-726-6030) or the local RCMP or police agency.
- b. If the employee is uncertain if their concerns are serious enough to warrant a report, they may consult with a Child and Family Services Agency. The agency will advise if a formal report is necessary.
- c. Having reported to the appropriate authorities, the employee shall advise the school administration as soon as possible thereafter of the action taken. Written documentation of the concerns, date, and action taken will be provided to the principal and maintained in the principal's secure and confidential files.
- d. 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 child caring agency.

**Reference:** The Child Protection and Child Abuse Manual; Protocols for School Division Staff, prepared by Manitoba Family Services and Housing (revised 2003)

The Child and Family Services Act of Manitoba (March 15, 1999, Chapter 48)

### Index Policy

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