

CHILD ABUSE AND NEGLECT

Background

HPSD believes the safety and welfare of its students is paramount. There may be occasion when an employee believes a student is in need of 'intervention services' as defined by the *Child, Youth and Family Enhancement Act*. Staff members are expected to fulfill their legal obligation and moral responsibility to report suspected cases of child abuse and/or neglect.

Any person (including any staff member) who has reasonable and probable grounds to believe a child has been abused or neglected, or is at substantial risk, is legally required to report the matter to a Child and Family Services.

The *Child, Youth and Family Enhancement Act* provides protection from legal action against a person making a report unless the reporting "is done maliciously or without reasonable and probable grounds for the belief."

Definitions

- A. *The Child, Youth and Family Enhancement Act* states, "a child is in need of intervention if there are reasonable and probable grounds to believe that the safety, security or development of the child is endangered because of any of the following:
 - i. the child has been abandoned or lost;
 - ii. the guardian of the child is dead and the child has no other guardian;
 - iii. the child is neglected by the guardian;
 - iv. the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;
 - v. the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;
 - vi. the child has been emotionally injured by the guardian of the child;
 - vii. the guardian of the child is unable or unwilling to protect the child from emotional injury;
 - viii. the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment.
- B. A child is neglected if the guardian:
 - i. is unable or unwilling to provide the child with the necessities of life;
 - ii. is unable or unwilling to obtain for the child, or to permit the child to receive essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child, or;
 - iii. is unable or unwilling to provide the child with adequate care or supervision.
- C. A child is emotionally injured:
 - i. if there is impairment of the child's mental or emotional functioning or development, and;
 - ii. if there are reasonable and probable grounds to believe that the emotional injury is the result of:
 - 1. rejection,
 - 2. emotional, social, cognitive or physiological neglect,
 - 3. deprivation of affection or cognitive stimulation,
 - 4. exposure to family violence or severe domestic disharmony,
 - 5. inappropriate criticism, threats, humiliation, accusations or expectations of or toward the child,
 - 6. the mental or emotional condition of the guardian of the child or of anyone living in the same residence as the child,
 - 7. chronic alcohol or drug abuse by the guardian or by anyone living in the same residence as the child.
- D. A child is physically injured:
 - i. if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by a laceration,

a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth.

E. A child is sexually abused:

- i. if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.”*

Procedures

1. The principal/supervisor shall annually review with staff the procedures related to children/students in need of intervention services as outlined in this Administrative Procedure.
2. All matters relative to children/students in need of intervention services shall be held to the strictest degree of confidentiality.

3. Duty to Report

- 3.1. Any person who has reasonable and probable grounds to believe a child is in need of intervention, is legally required to report the matter to Child and Family Services (CFS).
 - 3.1.1. The *Child, Youth and Family Enhancement Act* prescribes penalties for those who fail to report such situations.
- 3.2. The duty of a staff member to report is not discharged until the staff member reports to a CFS worker.
- 3.3. The duty to report overrides any right of confidentiality or privilege a person may claim.
- 3.4. It is not up to the staff member to determine whether his or her observations or student statements are sufficient evidence for an investigation or assessment. If in doubt, the staff member shall seek advice from CFS.
- 3.5. The staff member shall advise the principal regarding any formal report made to CFS. This is to be shared for information only. The staff member cannot delegate the duty to report to the principal and no principal shall counsel a staff member not to report if the staff member believes there are reasonable grounds to believe abuse or neglect exist.

4. How to Report

- 4.1. Contact the appropriate Regional CFS Office.
- 4.2. After business hours, call the Child Abuse Hotline: 1-800-387-5437 (KIDS).
- 4.3. Do not call the student's parent or guardian.
- 4.4. Do not make any promises of confidentiality to the student. Indicate you are required by law to report the disclosure.
- 4.5. Staff are expected to offer support but must refrain from seeking further information to confirm suspicion or clarify disclosure.
 - 4.5.1. Record any disclosure in the student's own words.
 - 4.5.2. Include observed facts, such as the student's behaviour, actions, comments and physical evidence, if observed.
 - 4.5.3. Record the date and time of the call and the name and position of the case worker who accepts the report.
 - 4.5.4. The record is to be stored in a confidential file and stored securely in a designated file, separate from the Student Record.
 - 4.5.5. Any reports relative to a student in need of intervention services may be subject to disclosure under the terms of the *Freedom of Information and Protection of Privacy Act*.

5. Responsibility for Assessments/Investigations

- 5.1. The assessment/investigation for child intervention services is the responsibility of the CFS worker who may, where appropriate, be assisted by the police.
- 5.2. School staff must not assume responsibility for any part of the assessment/investigation.
- 5.3. The principal shall facilitate access to students for CFS workers and/or police for the purpose of determining if a child is in need of intervention services.
- 5.4. CFS staff are expected to provide appropriate identification upon entering the school.

- 5.5. The responsibility for notifying a student's parent or guardian about an investigation rests with the CFS worker or police officer. In the event a student's return to home from school is delayed because of an investigation, it is the responsibility of the investigator to contact the guardian(s). School staff shall not assume this responsibility.

6. Facilitating Assessments/Investigations at School

- 6.1. A CFS worker or police officer may request permission from the principal to interview a student on school premises. The principal is expected to co-operate with such a request. Whenever possible, the investigator is to give advance notice to the principal.
- 6.2. It is recommended the interview be conducted in private unless the student requests or otherwise demonstrates he or she requires the supportive but non-participatory presence of a familiar school staff member. The investigator and principal shall together determine the appropriateness of having a school representative present to support the student during the interview.
- 6.3. School staff members present in such interviews must recognize they could potentially be subpoenaed to provide court testimony.

7. Suspected Abuse Involving School Personnel

- 7.1. HPSD and school staff members must recognize child abuse can occur within the educational setting. The *Child, Youth and Family Enhancement Act* does not cover neglect or abuse by anyone other than family members. Should a staff member or volunteer be suspected as the perpetrator of abuse, HPSD must take immediate action consistent with the nature of the allegation, facts, and circumstances.
- 7.1.1. All such cases shall be reported to the police and the superintendent.
- 7.1.2. In addition to the initial report to the police, Alberta's *Teaching Profession Act* requires a superintendent who has reason to believe a member has been or might have been convicted of an indictable offense to report to the Executive Secretary of the Alberta Teachers' Association.
- 7.1.2.1. Once a report is made, a professional conduct investigation may be initiated by the Association or HPSD.

8. Follow-up

- 8.1. School staff members directly involved may expect follow-up communication from CFS. This shall be determined by the authorities and shall be provided on a "need to know" basis.
- 8.2. At the end of the investigation, the principal, school wellness coach and/or staff member(s) may request to meet with the CFS worker to discuss steps to be taken to assist the student, including any continued need for school support and educational services.

9. Threats

- 9.1. If threats are made against school staff members or the child, the principal shall call the police.

References

Education Act, Section 11, 52, 53, 56, 196, 197, 222
Child, Youth and Family Enhancement Act
Freedom of Information and Protection of Privacy Act
Practice Review of Teachers and Teacher Leaders Regulation 92/2019
Student Record Regulation 97/2019

Cross Reference

[Administrative Procedure 345 – Student Interrogations and Searches](#)