



## Administrative Procedure 4520

### Child Abuse

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**Board Governance Policy Cross Reference:** [1](#), [11](#), [13](#)

**Administrative Procedures Cross Reference:**

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[Child Welfare Act](#)

[The Revised Manitoba Guidelines on Identifying and Reporting a Child In Need of Protection \(Including Child Abuse\)](#)

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**Date Adopted:** November 1985

**Amended:** December 2017

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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 of a child caring agency", the following administrative procedures shall govern the actions of persons employed by the Brandon School Division with respect to child abuse.

#### Definitions

The following definitions of terms are based on *The Revised Manitoba Guidelines on Identifying and Reporting a Child In Need of Protection (Including Child Abuse)*, issued jointly by the Ministers Family Services and Housing, Justice, Manitoba Education and Health (August 2001).

"child" – means a person under the age of majority (in Manitoba the age of majority is currently eighteen (18))

"abuse" – means an act or omission by the parent or person in charge of the child which 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.

"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.

Sexual activity between children may constitute sexual abuse if the difference in ages between the children is so significant that the older is clearly taking sexual advantage of the younger.

“emotional abuse” – means acts or omissions on the part of the parent or person in charge of the child, which acts or omission include but are not restricted to:

- any unwillingness or inability to provide appropriate care, control, affection or stimulation for a child;
- making inappropriate demands upon a child;
- exposing a child to frequent family violence;

tending to produce permanent or long-term emotional disability, including: short or long-term emotional disability:

- non-organic failure to thrive;
- developmental retardation;
- serious anxiety, depression or withdrawal;
- serious behavioural disturbances.

“a person in charge of a child” means a person explicitly or implicitly left in temporary control of the child responsible for a child’s welfare and includes a guardian or person within the context of a family relationship or foster parent.

### **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.”

### **Information Sharing and Confidentiality**

To ensure that the best course of action is taken, the school shall cooperate with the authorized agencies and professionals in the mutual sharing of information necessary for the investigation and treatment process.

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.

## **Communication and Cooperation with Community Agencies**

Since it is important to maintain cooperation among all elements of this community, the Superintendent/CEO or designate 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:

- development and maintenance of clear and mutual understanding of relative jurisdictions, roles and responsibilities;
- identification of problems which exist or may arise in the working relations of school, police and child caring agency personnel; and
- development and implementation of specific procedures to solve or forestall such problems.

## **Staff Knowledge of Policy**

School Leaders 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.

- In cases where a member of staff has reasonable or probable cause to suspect child abuse, he/she shall inform the School Leader of the school of these suspicions and of the fact that a report is being made and shall make an oral report forthwith to one of the agencies listed in (4).

The reporter may, as a follow-up to the oral report, submit a written version of the report as soon as possible thereafter. This written report can be witnessed by the School Leader in order to indicate that he/she is aware that the report has been made.

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

- 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 or a senior clinician of the Division Student Achievement Support Services staff. 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 School Leader of the school who may arrange for case conferencing or for the provision of support services from the appropriate resource people.

It is to be noted that written reports are not required by law.

- 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 an authorized agency.
- Reports are to be made to any of the following authorized agencies:
  - Child and Family Services of Western Manitoba;
  - Dakota Ojibway Child and Family Services, or
  - any police unit.
- The responsibility for investigation and follow-up lies with the authorized agencies. In accordance with the *The Revised Manitoba Guidelines on Identifying and Reporting a Child In Need of Protection (Including Child Abuse)*, the child caring agency is expected to inform the school of action taken on the report at the appropriate agency.

It is suggested that the school request a formal report back from the child caring agency on the action taken and the disposition of the case.