

## REPORTING CHILD ABUSE AND NEGLECT POLICY

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#### 1.0 PREAMBLE

- 1.1 In accordance with Section 64(2)(t) of the Education Act, school boards are required to establish policies for the protection of students from abuse.
- 1.2 The Board recognizes that all staff have a major role in the identification, prevention and reporting of child abuse and neglect. It fully endorses the legal obligation of staff to report suspected child abuse and neglect in accordance with Section 23(1) and Section 24(2) of The Children and Family Services Act (1990).
- 1.3 The Board shall,
  - 1.3.1 Protect students from, and inform them of their rights and responsibilities with respect to, all forms of child abuse.
  - 1.3.2 Ensure that all school community members, including employees, understand their rights, roles and responsibilities with respect to students.
  - 1.3.3 Ensure that all school community members are diligent in not placing themselves in situations that can be viewed as placing students at risk as described in the Definitions section, below.
- 1.4 This framework applies to,
  - 1.4.1 all school community members. This includes students, all staff (administrative, teaching and support staff), board members, parents, volunteers, community groups, parent organizations or others having contact with students in the school system.

- 1.4.2 all behaviours that occur at schools, school board offices, buildings under school board jurisdiction or elsewhere in the course of school or school board-related responsibilities or relationships.

## **2.0 DEFINITIONS**

As defined in the *Nova Scotia Children and Family Services Act*,

- 2.1 **Abuse by a person other than a parent or guardian (“third party”)** means that a child:
- 2.1.1 has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately;
  - 2.1.2 has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;
  - 2.1.3 has suffered serious emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, caused by the intentional conduct of a person other than a parent or guardian.
- 2.2 **Child** - a child is defined in the *Nova Scotia Child and Family Services Act* as anyone under the age of 16.
- 2.3 **Child is in need of protective services** – a child in need of protective services in defined in the *Child and Family Services Act* **where:**
- 2.3.1 the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;
  - 2.3.2 there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause 2.3.1;
  - 2.3.3 the child has been sexually abused by a parent or guardian of a child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;
  - 2.3.4 there is a substantial risk that the child will be sexually abused as described in clause 2.3.3;
  - 2.3.5 a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child’s parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment.

- 2.4 **Duty to report** - Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall immediately report that information to an agency.
- 2.5 **Duty of professionals and officials to report** - Notwithstanding any other Act, every person who performs professional or official duties with respect to a child - including a teacher, school principal, social worker, family counselor, member of the clergy, operator or employee of a day-care facility - who, in the course of that persons professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall immediately report the suspicion and the information upon which it is based to an agency. This requirement applies whether or not the information reported is confidential or privileged.
- 2.6 **Duty to report third-party abuse** - Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall immediately report the information to an agency.

### **3.0 POLICY**

- 3.1 All school personnel must report immediately all cases of alleged or suspected child abuse and neglect to the appropriate local child welfare agency (Appendix A).
- 3.2 The Board recognizes its responsibility to ensure that students attending schools under its jurisdiction are protected from abuse and neglect in any form while at school and/or under the supervision of Board employees.
- 3.3 In deciding whether or not to report an incident or situation or suspected abuse or neglect of a child, it is not a requirement that the person making the report have proof that abuse has occurred. That is for the child welfare agency and the courts to determine. Any uncertainty in deciding to report a suspicion should be resolved in favour of the child.
- 3.4 The Board shall undertake to ensure that all employees are provided with information that will enable them to carry out their legal responsibility to report suspected child abuse and neglect.

- 3.5 Where an employee is alleged to be a perpetrator, the Director of Human Resource Services must be notified in addition to notifying the appropriate agency. If an agency determines that the referral warrants investigation, it will advise the Director of Human Resource Services who will notify the Superintendent and will meet with the appropriate manager, supervisor or school principal to determine the immediate actions that may need to be taken by the school board.

Conclusions that may be determined by the Halifax Regional School Board following the conclusion of an investigation may include: exoneration, requirement to undergo a teacher appraisal or other performance appraisal process, professional development to rectify performance issues, reprimand, suspension, transfer, or dismissal.

All parties – the Board, Children’s Aid, and the Department of Community Services – will ensure that all records created as a result of actions pursuant to this Framework and the Board’s policy are shared in a timely fashion.

Records received by the Board as a result of actions pursuant to this Framework and policy are to be treated in a confidential manner, as personnel records are treated. This principle applies to records involving employee, volunteers and students.

Records of a complaint will be held in a separate file, that is, not in one or more personnel files, until the investigation is complete and decisions are made on appropriate action, if any.

## **REPORTING CHILD ABUSE AND NEGLECT**

### **PROCEDURES**

- 1.0** Teachers or other employees of the Board who have reason to believe that a student is being abused or neglected are obligated under The Children and Family Services Act (1990) to report that information to the local office of the Department of Community Services or the Children's Aid Society of Halifax.
  - 1.1 Teachers or other employees of the Board who have reported suspected incidents to the appropriate agency should then inform their principal that they have made an abuse or neglect report, but not the details of the report.
  - 1.2 Board employees who report suspected incidents of abuse and neglect must not inform parent(s)/guardian(s) of their action. The decision to inform and investigate lies with the Department of Community Services or the Children's Aid Society of Halifax.
  - 1.3 If a suspected offender is an employee of the Board, the person having information must report this to the Department of Community Services or the Children's Aid Society of Halifax and then inform Human Resource Services of the report, but not the substance or details of the reported information.
  
- 2.0** The Board acknowledges that child protection workers have authority under The Children and Family Services Act (1990) to interview students at a school without the prior knowledge and/or consent of parent(s)/guardian(s).
  - 2.1 Prior to interviewing a student at school, a child protection worker will contact the school administration.
  - 2.2 A child protection worker may request that a principal or teacher be present during an interview to offer support to the student.
  - 2.3 Principals shall assist child protection workers by providing an appropriate interview space and arranging discreetly for the student to be interviewed.
  
- 3.0** If a parent/guardian contacts the school objecting to the school's permitting the child protection worker to have access to their child, principals should indicate that it is their legal obligation to co-operate with the child protection worker.

- 3.1 If a parent/guardian requests information regarding the report or interview, they are to be directed to the Department of Community Services or The Children's Aid Society of Halifax.
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- 4.0** School administrators will ensure that this policy and its procedures are reviewed annually with all staff. School administrators will also ensure that school volunteers are fully informed of their rights, roles and responsibilities with respect to students.

## Family and Children's Services Contact Information

### **Children's Aid Society of Halifax**

6009 Quinpool Road  
4th Floor  
Willow Tree Tower  
Halifax, Nova Scotia B3K 5J7  
Phone: (902) 425-5420  
Fax: (902) 422-9424

### **Cole Harbour District Office**

Cole Harbour Place  
51 Forest Hills Parkway  
Box 1  
Dartmouth, Nova Scotia B2W 6C6  
Phone: (902) 435-7472  
Fax: (902) 462-5527  
TDD: (902) 435-8117

### **Dartmouth District Office**

Dartmouth Professional Centre, Suite 400  
277 Pleasant Street  
Dartmouth, Nova Scotia B2Y 4B7  
Phone: (902) 424-3298  
Fax: (902) 424-0625

### **Sackville District Office**

Cobequid Multi-Service Centre  
70 Memory Lane  
Sackville, Nova Scotia B4C 2J3  
Phone: (902) 869-3600  
Fax: (902) 864-4669

**The Children and Family Services Act is available at:**  
<http://www.gov.ns.ca/legislature/legc/statutes/childfam.htm>