



| | Effective Date | Revision Date | No. of Pages |
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| No. 732 CHILD ABUSE AND NEGLECT | | July 2008 | 1 |

The Tri-County Regional School Board recognizes that, under the Children and Family Services Act (1990), teachers have a responsibility to discharge their duty and obligation in cases of suspected child abuse and/or neglect.

The Tri-County Regional School Board recognizes and supports the joint protocols between the Tri-County Regional School Board and the Child Protection Agencies of Digby, Shelburne, Yarmouth and Mi'kmaw.

Attached to this policy are the following Procedures:

- Appendix A - Pertinent sections of the Children and Family Services Act (1990)
- Appendix B - Protocol for Investigation
- Appendix C – Referral Form
- Appendix D - Pertinent Telephone and Fax Numbers

Approved by the Tri-County Regional School Board

(as a replacement for the former Policy # 703.14)

Appendix “A”
Pertinent Sections of the Children and Family Services Act (1990)

REGIONAL CHILD ABUSE PROTOCOL

Definitions for professional staff of the Tri-County Regional School Board and the Child Welfare Agencies of the Tri-County (Digby, Yarmouth, Shelburne and Mi’kmaw) as outlined in the Children and Family Services Act 1990.

Child: Section 3 (1)(e): means a person under sixteen years of age unless the context otherwise requires.

Substantial Risk of Abuse: Section 22

- (1) Substantial means a real chance of danger that is apparent on the evidence.
- (2) A child is in need of protective services where
 - (A) 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;
 - (B) there is a substantial risk that the child will suffer physical harm inflicted or caused in clause (A);
 - (C) the child has been sexually abused by a parent or guardian of the 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;
 - (D) there is substantial risk that the child will be sexually abused as described in clause (C);
 - (E) 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;
 - (F) the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour and the child’s parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;
 - (G) there is a substantial risk that the child will suffer emotional harm of the kind described in clause (F), and the parent or guardian does not provide or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;
 - (H) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development and the child’s parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the condition;
 - (I) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child’s parent or guardian refuses to obtain services or treatment to remedy or alleviate the violence;

- (J) the child has suffered physical harm caused by chronic and serious neglect by a parent or guardian of the child, and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;
 - (a) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (J);
- (K) the child has been abandoned, the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provisions for the child's care and custody, or the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody;
- (L) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, or refuses or is unavailable or unable to consent to, the necessary services or treatment;
- (M) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of a parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately.

- Duty to Report: Section 23 (1) Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.
- Restriction on Civil Action: (2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.
- Offence and Penalty: (3) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.
- Limitation Period: (4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.
- Offence and Penalty: (5) Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

“Suffer Abuse” defined: Section 24

- (1) “Suffer abuse”, when used in reference to a child, means be in need of protective services within the meaning of clause (A), (C), (E), (F), (H), (I) or (J) of subsection (2) of Section 22.

Duty of Professionals and Officials to Report:

- (2) Notwithstanding any other Act, every person who performs professional or official duties with respect of a child, including:
 - (A) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist;
 - (B) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day-care facility;
 - (C) a peace officer or a medical examiner;
 - (D) an operator or employee of a child-caring facility or child-care service;
 - (E) a youth or recreation worker,

who, in the course of that person’s professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.

Interpretation of Section: Section 25

- (1) In this section, “abuse by a person other than a parent or guardian”: means that a child
 - (A) 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;
 - (B) 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;
 - (C) 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.

Duty to Report Third-Party Abuse:

- (2) 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 forthwith report the information to an agency.

Offence and Penalty:

- (3) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Limitation Period:

- (4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.

Restriction on Civil Action:

- (5) No action lies against a person by reason of that person reporting information pursuant to subsection (2) unless the reporting of that information is done falsely and maliciously.

Offence and Penalty:

- (6) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

Recognition of a Physically Abused Child:

How do I recognize an abused child? It's not easy. But it's important to try. However, one important clue is that the symptoms of abuse are likely to be repeated or to continue over time and will seem to affect the child's behaviour. Obvious indications that a child has been physically abused are: unexplained bruises, cuts, burns or other apparent injuries. These are things that the observant teacher can notice.

Recognition of a Physically Abused Child (continued)

Perhaps more difficult to identify are behavioural indicators. These include:

- extreme wariness of parents or adults in general
- wariness of physical contact, especially when initiated by an adult

- resistance to being touched
- extreme watchfulness
- apprehensiveness when other children cry
- fear of going home
- unexplained prolonged absence (guardian may keep child at home while injury heals)
- unlikely or inconsistent explanation for bruises, etc.
- denial that bruises exist
- extreme aggressiveness, extreme withdrawal
- extreme fearfulness or fearlessness (recklessness)
- extreme attention seeking or attention avoidance
- extreme tearfulness, tearlessness, no expectation of comfort

Recognition of Sexually Abused Child:

How do I recognize a sexually abused child? Sexually maltreated children are especially likely to display the symptoms of wariness, watchfulness, and extremes of behaviour described in relation to physical abuse, and/or any of the symptoms of emotional maladjustment (see next section):

- difficulty in walking or sitting
- torn, stained or bloody underwear
- pain or itching in genital area
- bruises or bleeding in genital, vaginal or anal areas
- venereal diseases, especially in pre-teens
- pregnancy

Behavioural indicators, while more subtle, are more likely to be evident. These include:

- apparent fear of a parent
- sexually intrusive or aggressive behaviour
- wariness of physical contact, especially when initiated by an adult
- excessively affectionate behaviour
- fear of the night, the dark
- sophisticated or bizarre sexual behaviour or knowledge
- seductive behaviour or approval
- unwillingness to change for physical education, or to participate in active sports or games
- speech disorders (may relate to forced oral sex)
- reports sexual contact with parent or guardian

Recognition of an Emotionally Abused Child:

How do I recognize a child who is or has been emotionally abused? Teachers, as individuals who perform professional duties with respect to children, are in an excellent position to identify emotionally abused children because the behavioural symptoms tend to reveal themselves over a period of time. This condition invariably manifests itself in one form of misbehaviour or another.

Common behavioural indicators include:

- developmental lags, physical, mental or emotional
- habit disorders, sucking, biting, rocking, etc.
- conduct disorders, antisocial and destructive behaviour
- speech disorders, sleep disorders, inhibition of play
- extreme passivity, extreme aggressiveness
- extreme infantile behaviour
- extreme adult behaviour, appearing to “take over” and care for parents
- hysteria, obsession, phobias, hypochondria
- extreme depression, attempted suicide

Recognition of a Neglected Child:

How do I recognize a neglected child? Neglect is even harder to pinpoint. The indicators are less dramatic and the effects appear to be less damaging. But the effects, over time, can be just as harmful to the child. Sometimes, as teachers, we can tend to see the neglected parent as acting more out of ignorance than maliciousness. We must not fall into this trap - even in these situations the child is at risk. The child must be our first concern. The school needs to speak to the parents about their concerns (Children and Family Services Act requires a parental inability or failure to follow through for the file to be opened under Section J/Ja). Physical indicators that a child is suffering from neglect include:

- consistent hunger, malnutrition, underweight, dehydration
- poor hygiene, dirtiness, lice, skin disorders associated with improper hygiene
- inappropriate dress, exposure symptoms, eg. sunburn, frostbite, recurrent colds, pneumonia
- consistent fatigue, listlessness
- unattended health problems
- inadequate supervision, child left in the care of another child too young to protect him/her
- abandonment

Behavioural indicators of neglect include:

- begging, stealing food
- theft in general
- verbal evidence that there is no caretaker, no one at home, arriving early, staying late at school

Behavioural indicators of neglect (continued)

- falling asleep in class
- chronic absenteeism
- drug or alcohol use

Procedures for Tri-County Regional School Board Employees Making Referrals: (Tri-County Regional School Board Policy #732)

School staff are required to follow Policy Number 732

It is important that Tri-County Regional School Board employees know what to look for and that they become aware of the exact procedures to be followed (refer to Section 22, Children and Family Services Act - 1990)

1. All staff of Tri-County Regional School Board are responsible to report information of child abuse or neglect. This information should be phoned in immediately to the Child Welfare office. If the referral is questionable, a phone call to the local Child Welfare Agency can be made for consultation (See Appendix D). All Tri-County Regional School Board employees need to be cautious not to “interview” the child when seeking basic information. Details are to be gained by the investigating social worker of the Child Welfare Agency.
2. All Tri-County Regional School Board employees who have reason to believe that a student is being abused or neglected, shall inform their school principal or designate. Where there is not an agreement between the principal and employee, the person with suspicions is obligated to make a report to the local Child Welfare Agency.
3. The school principal is responsible for immediately reporting the referral to the superintendent or designate.
4. Staff of the Tri-County Regional School Board are **not to inform parents/guardians** that a report of suspected abuse or neglect has been brought to the attention of the Child Welfare Agency as this can contaminate an investigation. This information will be conveyed to the parents by the agency as appropriate.
5. The school principal shall periodically provide information to acquaint staff with procedures and information related to the reporting of child abuse. Child Welfare Agencies are available to provide educational presentations regarding this protocol.

If an investigation is to be carried out by a Child Welfare Agency, it is the responsibility of the social worker, not the school officials, to interview the child. Social workers are not required to contact parents prior to an investigation; however, they may choose to do so if appropriate.

Procedure for Investigation by Child Welfare Agency:

1. Gather information in the course of conducting an investigation;
2. Review the case and contact other agencies when appropriate (ie. school, policing authority);
3. Once a referral is made, the agency will respond in writing to the person making the referral to indicate whether or not the matter will be investigated and/or referred to another agency.

4. If the matter is investigated, the social worker may interview the child at the school more than once, showing the appropriate identification to the principal or designate. At that point, the principal or designate has the right to ask for some information (as much as the social worker is able to provide) as to the nature of the case. The general rule is that the interview will be conducted between the social worker and the child, alone. In some cases, police may be accompanying the social worker as per our Joint Investigative Protocol with the RCMP. (If a child is an alleged perpetrator, the principal should practice existing school board procedures.)

It is the responsibility of the social worker to make sure every effort is made to contact the parents on the day that the child is interviewed.

5. The child may be removed from the school by the social worker under one of the two following conditions:
 - a) When the parent has given verbal permission to the social worker and principal or designate to transport the child to another location for interviewing (eg. Mental Health Office, RCMP station).
 - B) When the agency has taken the child into care and served a Notice of Taking Into Care on the principal or designate. At that point, the agency becomes the legal guardian of the child.
6. The agency may remain involved with a family beyond the initial investigation and need to have periodic interviews with the child to ensure the child's safety. If the social worker wants to interview a child at the school beyond the initial investigation(s), the social worker will need to follow the Tri-County Regional School Board Policy relating to access to children.

Appendix “B”

Relevant section of the Children and Family Services Act in relation to allegations are as follows:

1. (A) Pursuant to section 23 (1) of the Children and Family Services Act, “Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.” And pursuant to Section 24 (2) every person who performs professional or official duties with respect to a child, such as a teacher or school principal, “who, in the course of that person’s professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse, shall forthwith report the suspicion and the information upon which it is based to an agency”.
- (B) Section 24 (2) of the Children and Family Services Act: Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including (a) a health care professional, including a physician, nurse, pharmacist or psychologist; (b) teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a day-care facility; (c) a peace officer or a medical examiner; (d) an operator or employee of a child-caring facility or child-care service; (e) a youth or recreation worker, who, in the course of that person’s professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information upon which it is based to an agency.
- (C) Section 25 (1) of the Children and Family Services Act: In this section, “abuse by a person other than a parent or guardian” means that a child (a) 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 to supervise and protect the child adequately; (b) 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 (c) 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.

APPENDIX C

REFERRAL FORM

To be completed by the teacher and principal, for cases of suspected Child Abuse and Neglect.

FULL NAME OF CHILD: _____ D.O.B. _____

PRESENT SCHOOL: _____ GRADE: _____

NAME OF TEACHER: _____

ADDRESS OF SCHOOL: _____ PHONE: _____

CHILD'S HOME ADDRESS: _____ PHONE: _____

NAME OF PARENT/GUARDIAN: _____

ADDRESS & PHONE NO. (if different than that of child): Same () or _____

DATE OF REPORT: _____ PRINCIPAL'S NAME: _____

NAME OF OTHER SCHOOL STAFF INVOLVED OR AWARE OF SITUATION:

REASON YOU ARE MAKING REPORT: _____

BEING AS SPECIFIC AS POSSIBLE, INCLUDE NOTATION OF SPECIFIC SYMPTOMS OBSERVED AND DATES OF OBSERVANCES: (add separate sheet if necessary)

PLEASE ADD OTHER INFORMATION THAT MAY BE HELPFUL TO ESTABLISH THE CAUSE OF INJURIES OR BEHAVIOURS:

Teacher's Signature

Principal's Signature

“Appendix D”**Pertinent Telephone and Fax Numbers**

- | | | |
|-----|---------------------------------------|--|
| (1) | Yarmouth Family & Children’s Services | Phone: (902) 742-0700 Fax: (902) 742-8945 |
| (2) | Shelburne District Office | Phone: (902) 637-2337 Fax: (902) 637-2137 |
| (3) | Digby District Office | Phone: (902) 245-5811 Fax: (902) 245-7138 |
| (4) | Mi’kmaw Family & Children’s Services | Phone: (902) 758-3553 Fax: (902) 758-2390 |
| (5) | Provincial “After Hours On-Call” | Phone: 1-866-922-2434 |

Tri-County Regional School Board Protocol for Investigation of Abuse Respecting Employees and Volunteers

In the event of an allegation where an employee or volunteer of the Tri-County Regional School Board is suspected of having physically, sexually or emotionally abused a child, the following protocol will be followed:

1. Upon receipt of a referral of alleged abuse of a child by the Tri-County Regional School Board employee or volunteer, the Child Protection Agency in the County where the child lives will risk assess the referral to determine if it warrants investigation, under Section 25 (1) of the Children and Family Services Act. That section refers to “abuse by a person other than a parent or guardian” and deals specifically with the child having suffered physical harm, sexual abuse or emotional harm.
2. If the agency determines that the referral information does not warrant investigation under Section 25 (1), the file will be closed and the information referred to the Director of Human Resources of the Tri-County Regional School Board. It will then be the responsibility of the Director of Human Resources in consultation with the Superintendent of Schools to determine what, if any, follow up is required with the employee or volunteer.
3. Should the agency accept the referral for investigation, the supervisor or designate will contact the Director of Human Resources to advise as to the allegations having been made and that the matter is being investigated. The Director of Human Resources will then advise the Superintendent of Schools of the Tri-County Regional School Board of the allegations and investigation and meet with the appropriate school principal to determine what immediate action may need to be taken by the Tri-County Regional School Board.
4. The Superintendent of Schools or designate and principal will advise the employee or volunteer that an allegation has been made and that they are under investigation. The alleged offender will not be advised as to the specifics of the allegations nor the name of the alleged victim at this point.
5. In the case of alleged physical and/or sexual abuse, the Child Protection Agency shall refer the matter to the appropriate police detachment for joint investigation. In the case of emotional abuse, the Child Protection Agency will conduct the investigation.
6. Recognizing that other children could be at risk, given a school setting, it is of utmost importance that cases of alleged abuse by a Tri-County Regional School Board employee or volunteer be given priority for investigation. **It is also important that there be good communication between the Child Protection Agency and the Tri-County Regional School Board as to the status of the investigation** so as to allow the Tri-County Regional School Board adequate and timely information to be able to make decisions as to the alleged offender’s contact with children. Timely information sharing in these situations must be a priority.

- 7. Once the Child Protection Agency, and the police, as applicable, have concluded their investigation, the agency will contact the Director of Human Resources/designate to advise as to the outcome of the investigation.

- 8. The allegations may be found to have been unsubstantiated or inconclusive and the agency will close the file. Should the allegations of abuse be substantiated, criminal charges may be laid by the police and the agency may also make a decision to apply to have the employee or volunteer's name placed on the Child Abuse Register, as per Section 63 (3)(2) of the Children and Family Services Act (1990).

Gary Landry, BSW, RSW
Executive Director

Phil Landry,
Superintendent of Schools

Donna Kaulbeck, BSW, RSW
A/District Manager

Sean Marshall, BSW, RSW
A/District Manager