

## CHILDREN/STUDENTS IN NEED OF INTERVENTION SERVICES (CHILD WELFARE)

### **Background:**

The Division 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 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 Authority.

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." Similarly, the Alberta Teachers' Association Professional Code of Conduct does not prevent members from reporting the unprofessional conduct of another member. Members have no liability for wrongful complaints unless reporting is malicious and without probable grounds.

### **Definitions:**

#### **Emotional Abuse:**

may take the form of chronic exposure to alcohol or drug abuse, verbal attacks on a child's sense of self, repeated humiliation or rejection. Exposure to violence or severe conflict in the home, forced isolation, restraint or causing a child to be alone or afraid much of the time may also cause emotional harm.

#### **Physical Abuse:**

is the intentional use of force on any part of a child's body that results in injuries.

#### **Sexual Abuse:**

is the improper exposure of a child to sexual content, activity or behaviour. It includes any sexual touching, intercourse or exploitation by a parent or guardian, caregiver, extended family, friend, neighbour or stranger.

#### **Neglect:**

is any lack of care that causes serious harm to a child's development or endangers the child in any way. Physical neglect is the failure to meet the child's day-to-day physical needs, including a failure to provide adequate nutrition, clothing, shelter, health care and protection from harm. Emotional neglect is the failure to meet the child's ongoing emotional needs for affection and a sense of belonging.

## Procedures:

1. All matters relative to children/students in need of intervention services shall be held to the strictest degree of confidentiality.
2. Duty to Report
  - 2.1. If a staff member believes there are reasonable and probable grounds to suspect a child/student is being abused or neglected, if the child/student discloses such or if there are reasonable grounds to suspect the child/student is at risk of either abuse or neglect, the staff member is required, by law, to make a formal report to the Child and Family Services Regional Authority (CFSA) Office.
  - 2.2. Anyone failing to report while having reasonable and probable grounds to suspect abuse or neglect, is guilty of an offense and liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or to both a fine and imprisonment.
  - 2.3. The duty of a staff member to report is not discharged until the staff member reports to a CFSA worker.
  - 2.4. The duty to report overrides any right of confidentiality or privilege a person may claim.
  - 2.5. It is not up to the staff member to determine whether their observations or student statements are sufficient evidence for an investigation or assessment. If in doubt, the staff member shall call to ask for advice from a Child and Family Services worker.
  - 2.6. The staff member shall advise the Principal regarding any formal report that is made. 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.
3. How to Report
  - 3.1. Contact the appropriate Regional CFSA Office:  
Sherwood Park/Strathcona County: 780-467-5195  
Fort Saskatchewan: 780-992-6700  
Andrew, Lamont, Mundare, Vegreville: 780-603-2500  
After business hours, call the Child Abuse Hotline: 1-800-387-5437
  - 3.2. Do not call the student's parent or guardian.
  - 3.3. Do not make any promises of confidentiality to the student. Indicate you are required by law to report the disclosure.
  - 3.4. Staff are expected to offer support but must refrain from seeking further information to confirm suspicion or clarify disclosure.
  - 3.5. Record any disclosure in the student's own words.
  - 3.6. Include observed facts, such as the student's behaviour, actions, comments and physical evidence, if observed.
  - 3.7. Record the date and time of the call and the name and position of the case worker who accepts the report. The record is to be stored in a confidential file and stored securely in a designated file, separate from the student record.

- 3.8. 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*.
4. Responsibility for Assessments/Investigations
  - 4.1. The assessment/investigation for child intervention services is the responsibility of the CFSA worker who may, where appropriate, be assisted by the police.
  - 4.2. School staff must not assume responsibility for any part of the assessment/investigation.
  - 4.3. The Principal shall facilitate access to students for CFSA workers and/or police for the purpose of determining if a child is in need of intervention services.
  - 4.4. CFSA staff are expected to provide appropriate identification upon entering the school. Investigators shall engage in student interviews at the school site only in instances where the imminent safety and welfare of a student is in question.
  - 4.5. The responsibility for notifying a student's parent or guardian about an investigation rests with the CFSA 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 personnel shall not assume this responsibility.
5. Facilitating Assessments/Investigations at School
  - 5.1. A CFSA 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.
  - 5.2. It is recommended the interview be conducted in private unless the student requests or otherwise demonstrates they require the supportive but non-participatory presence of a familiar school employee. The investigator and Principal shall together determine the appropriateness of having a school representative present to support the student during the interview.
  - 5.3. School personnel present in such interviews must recognize they could potentially be subpoenaed to provide court testimony.
6. Suspected Abuse Involving School Personnel
  - 6.1. Division and school personnel 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, the Division must take immediate action consistent with the nature of the allegation, facts, and circumstances. All such cases shall be reported to the police and the Superintendent.
  - 6.2. In addition to the initial report to the police, Alberta's *Teaching Profession Act* requires a Superintendent who has reason to believe a member had been or might have been convicted of an indictable offense to report to the Executive Secretary of the Alberta Teachers' Association. Once a report is made, a professional conduct investigation may be initiated by the Association or the Division.
7. Followup

- 7.1. School personnel directly involved may expect followup communication from CFSA. This shall be determined by the authorities and shall be provided on a “need to know” basis.
- 7.2. At the end of the investigation, the Principal, school counsellor and/or staff member(s) may request to meet with the CFSA worker to discuss steps to be taken to assist the student, including any continued need for school support and educational services.

**Reference:**

Section 11, 52, 53, 56, 196, 197, 222 *Education Act*  
*Child, Youth and Family Enhancement Act*  
*Freedom of Information and Protection of Privacy Act*  
Practice Review of Teachers Regulation 4/99  
Student Record Regulation 225/2006