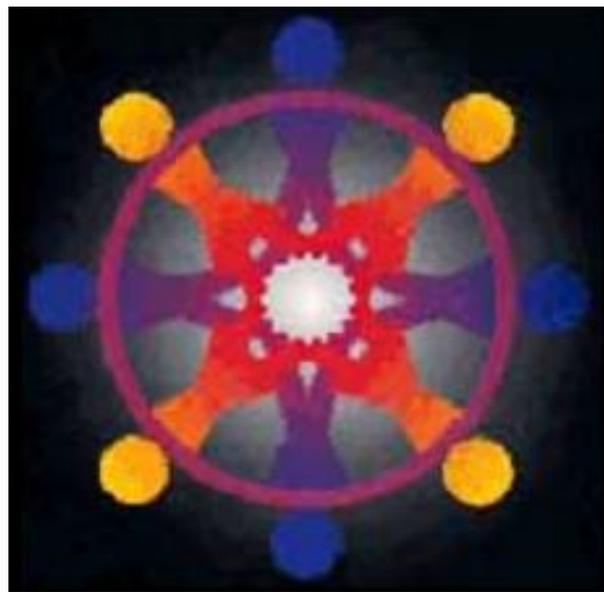
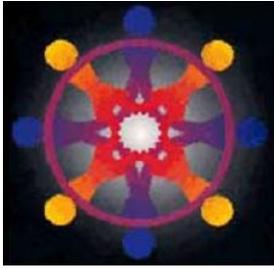


# **DEALING with CHILD ABUSE**



**A Handbook for School Personnel:  
Frequently Asked Questions  
(2012)**





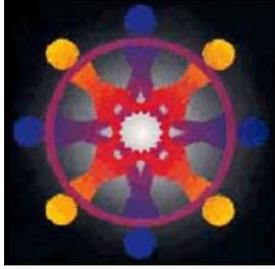
# Dealing with Child Abuse: A Handbook for School Personnel: Frequently Asked Questions

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## Introduction

The *Child and Family Services Act (2010)* is the legislation that includes the Duty to Report a Child Needing Protection 8(1). The *Act* begins with the following:

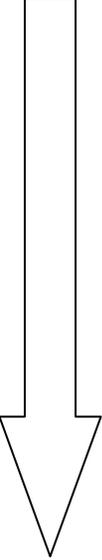
- Whereas the family is the basic unit of society and its well-being should be supported and promoted;
- And whereas children are entitled to protection from abuse, harm and neglect;
- And whereas children are entitled to be informed of their rights and involved in decisions affecting those rights and their lives;
- And whereas families are entitled to be informed of their rights and to participate in the decisions affecting those rights;
- And whereas it is recognized that decisions concerning children should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those determinations;
- And whereas a child's extended family can often provide important support in meeting the best interests of the child;
- And whereas each community has a role in supporting and promoting the best interests of the children and the well being of families in the community;

Everyone has a responsibility to protect children. Because children spend so much of their time in school, school staff may recognize signs and symptoms of child abuse that might otherwise go unnoticed. If you are concerned about a child but are not sure why - pay close attention to the child and the circumstances. Listen to your intuition; trust your instincts. Never assume that a child is 'OK', or that you are meddling.

When you report suspected or known child abuse, you are taking the first and most important step in getting help for the child. A child experiencing child abuse needs concerned adults to provide the protection that s/he cannot provide in the current circumstances. You are in a position to seek help for a child who may be caught in a desperate situation.

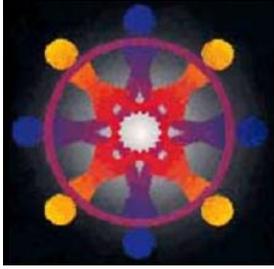
People who work in schools often have no specific training in responding to child abuse and may not feel ready, able or even willing to 'get involved'. The reporting of child abuse is difficult; however, that cannot be a reason not to report. Knowing and understanding the responsibilities associated with reporting suspicion or knowledge of child abuse is an important responsibility for anyone working in schools.

There are a number of Acts, regulations, policies and procedures that can affect staff and students in schools in the Northwest Territories. It is important to understand how these relate to each other so that decisions are made in alignment with all relevant Acts, regulations, policies and procedures.

	Legislation	Charter of Rights and Freedoms	Government of Canada
	Legislation	Criminal Code of Canada	Government of Canada
	Legislation	Human Rights Act	Government of NWT
	Legislation	ATIPP (Access to Information and Protection of Privacy Act)	Government of NWT
	Legislation	Child and Family Services Act	Government of NWT
	Legislation	Education Act	Government of NWT
	Policies and Procedures	Local School Board Policies	District Education Councils
	Procedures and Ethics	Membership	Northwest Territories Teachers' Association (NWTTA)

The *Child and Family Services Act (2010)* takes precedence over most other legislation; any policies, procedures or practices in your local school board; and practices and ethics associated with the Northwest Territories Teachers Association (NWTTA). No one can tell you not to report – not even your administrator or school board member. Your first responsibility if you suspect or have knowledge about a child experiencing child abuse is to report.

The intent of this booklet is to provide information about the *Child and Family Services Act (2010)* and what you are required to do if you suspect or have knowledge that a child is being abused.



## Definitions

<i>Child and Family Services Act (2010): Definitions</i>	
What the Act Says	What This Means
'abuse' means neglect or emotional, psychological, physical or sexual abuse	
'child' means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under subsection 47(3) or 48(2)	You do not need to know the actual age of a child – if you think that the child looks to be under 16 years of age, you need to make the report

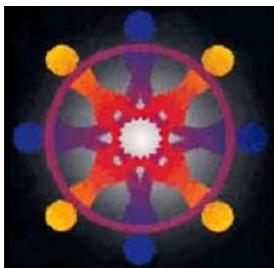
The *Dealing with Child Abuse: A Handbook for School Personnel (2005)* defines:

- **physical abuse** as '... any physical injury of a child which is not accidental.
- **physical neglect** as '... basic needs such as clothing, food, shelter, health care and protection from harm are not being provided.
- **emotional neglect** a '... the child's deeper needs for love and affection, a sense of belonging, guidance and stability are not being met.
- **emotional abuse** as '... anything that seriously hurts a child mentally or emotionally. This could include being exposed to constant 'put-downs' and verbal attacks, repeated rejection, or violence in the home.
- **sexual abuse** as '... involving a child in sexual touching or any form of sexual activity.

Sexual abuse may also include forcing or allowing a child to watch or look at sexual activity, pornographic materials, or books, magazines or videos containing sexual material that is inappropriate or unsuitable for a child.

**A Child Protection Worker** has the authority to act on behalf of the Director, Child and Family Services who has the authority to enforce the *Child and Family Services Act (2010)*.

In some cases, particularly in small communities, the Social Worker will have the authority to act as the Child Protection Worker.



## When do I need to make a report?

<i>Child and Family Services Act (2010): Duty to report child needing protection</i>	
<p><b>What the Act Says</b></p> <p>8. (1) A person who has information of the need of protection of a child shall, without delay, report the matter</p> <p>(a) to a Child Protection Worker; or</p> <p>(b) if a Child Protection Worker is not available, to a peace officer or an authorized person.</p>	<p><b>What This Means</b></p> <p>You have a duty to report a child that has been, is, or may be in danger of abandonment, neglect, physical, sexual or emotional ill treatment.</p> <p>You must report as soon as possible.</p>

**As soon as you suspect or have knowledge that a child is experiencing child abuse, you must report what you suspect or know to a Child Protection Worker.**

### What is a disclosure?

A disclosure occurs when a child tells you or lets you know in some other way that s/he has been, or is being abused.

Sometimes children will tell you directly that they are being abused.

Often they use indirect ways to let you know. For example:

- drawing pictures about hitting or inappropriate touching
- writing about abuse in journal stories
- play-acting frightening scenes

Children may disclose abuse that:

- is ongoing
- happened weeks, months or years ago
- took place in another location (community or province)
- is happening to someone else

You need to report all disclosures of abuse, no matter where or when they happened.

Children may disclose in a variety of ways:

- **Direct Disclosures:** Verbal or written statements by the child.

Example: “\_\_\_\_\_ his me.”

**Appropriate response:**

“You are very brave to tell me about that. Is there anything that you need right now (for example: snack, drink, medical attention). After we do that we will call the social worker\* to let her know what happened. She’ll also want to talk to you about this.”

“Thank you for letting me know. It can be very hard to talk about someone you love hurting you.”

“Talking about this is the right thing to do, even though it is hard to talk about.”

\*In these examples, the term ‘social worker’ is used to identify a Child Protection Worker as this is the term most commonly used in conversations and by children and families.

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- **Indirect Disclosures:** Verbal, written or graphic hints including journal writing, drawings, artwork that appear to be about abuse.

Example: “\_\_\_\_\_ bothers me.”

**Appropriate response:**

“What kinds of things do they do that bother you?”

This child may or may not be talking about abuse. S/he could have been talking about a sibling who plays loud music or plays jokes. The answer to your question will identify what you need to do next.

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- **Disclosures with Conditions:** The child says that s/he will tell you about something that is happening only if certain conditions are met.

Example: “I want to tell you something but only if you promise....

- not to tell anyone else
- to keep this secret
- not to tell my parents/social worker/police
- that my parents won’t get in trouble
- that I won’t have to go to foster care.”

**Appropriate response:**

Do not make these promises.

“Before you tell me about this, you need to know that if I think that someone is hurting you, I need to call the social worker.”

“There are some secrets that shouldn’t be kept. We need to talk to the social worker about this.”

“Thank you for telling me about this. This is the kind of situation that I have to talk with a social worker about. It is my responsibility to let them know if I think that a child is not safe. Would you like to listen while I call them?”

Note:

This child may not be ready to talk about the situation without the conditions. Let the child know that you would be available to answer questions about talking to a social worker or to talk about the situation at any time. Make a note of the comments that the child has made to include in a report if you make one in the future.

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- **Disguised Disclosures:** The child isn't ready to tell you that s/he is being abused, and so pretends that it is happening to someone else.

Example: “I think that someone is hurting my friend.”

**Appropriate response:**

“Do you think that your friend would talk to me or another adult about this?”

-----

- **Third Party Disclosures:** The child tells you about abuse that is happening to another child.

Example: “I know someone who is being abused.”

**Appropriate response:**

“Do you think that you could bring your friend here to talk with me about this situation?”

**When the child has disclosed enough so that you have knowledge of or suspect child abuse, tell the child that you are not allowed to hear any more because it is important that s/he share the disclosure with a Child Protection Worker.**

### **What can I say when I need to let the child know that I need to stop the disclosure and contact the Child Protection Worker?**

- “Telling someone about this is the right thing to do. I’m going to have to ask you to do something that will be hard, but it is important...”
- “What you are telling me about needs to be heard by someone who is trained to help you better than I would be able to...”
- “I’m honoured that you trust in me, and ask that you continue to trust me...”

### **What do I tell the child about what is going to happen next?**

Explain that you and the child will go to talk with a Child Protection Worker.

Let them know that:

- a Child Protection Worker (or when appropriate, an RCMP Officer) will be coming to talk about what was just said.
- you will stay until the Child Protection Worker arrives and has a chance to meet and/or tell the story.
- the most important thing that the Child Protection Worker will be thinking about is safety.

The child must continue to think that what s/he has to say is important, and must feel safe enough to relate the complete disclosure to the Child Protection Worker.

### **Is there anything that I shouldn’t say or do?**

- **Do not make promises:** Telling a child that "everything is alright" or "now you will get the help you need" are promises that can not be guaranteed.
- **Do not make judgments:** Making statements like “What a terrible thing to do” or “How awful” can create more stress and anxiety for the child and may make it more difficult to repeat the story to a Child Protection Worker.
- **Do not show disgust or shock:** these kinds of statements can also create added stress or reluctance to repeat the story.
- **Do not express to the child what you think s/he might be feeling:** "You must hate \_\_\_\_ for doing that to you." is not an appropriate response.

### **Do not.....**

- continue with questioning once you suspect or have knowledge of child abuse
- contact the parents or guardians of the child
- discuss the identify of the child or family or any details of the disclosure or the report with anyone, including other school personnel
- discuss the report with anyone except the Child Protection Worker or the RCMP investigating the specific case you are reporting
- attempt to do any investigation

**After the disclosure**

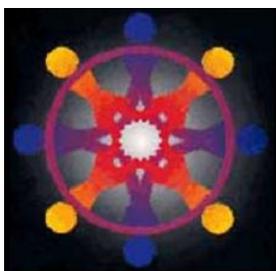
The child may deny that the abuse has taken place, make excuses for the abuser or try to minimize what happened. The child may do this as a way of dealing with the feelings about the abuse or the abuser. The child may want to deny the abuse because s/he feels responsible for upsetting the family or getting the abuser in trouble.

After a disclosure of abuse, there is likely to be some upheaval within the family, even if the abuser is not a family member. The family may need to be separated, and the abuser may be angry about having to talk with the Child Protection Worker. Family members may side with the abuser making the child feel isolated or that s/he did something wrong. In some cases, abuse may have taken place but there is not enough evidence to take action so the child is returned to the family.

After a disclosure of abuse, a child may feel guilty for many reasons including that s/he may:

- have enjoyed some aspects of the abusive relationship (for example: the attention, special treats or gifts)
- feel responsible for starting or continuing the relationship
- feel that s/he is getting the abuser into trouble with social services or the RCMP
- be worried that the family will be separated
- be worried about what will happen to siblings or parents

These feelings may cause the child to be angry with the person s/he told. Do not take the child's anger personally and do not let it keep you from being supportive.



## Who makes the report?

<i>Child and Family Services Act (2010): Duty may not be delegated</i>	
<b>What the Act Says</b> 8. (2) For greater certainty, a person may not delegate the duty to report a matter under subsection (1) to another person.	<b>What This Means</b> If you are the person who has the information, you must make the call and as soon as possible.  You must not ask or allow another person to make the report for you.

### **What do I do if I am not able to leave my class to make a call?**

Ask your Administrator or another staff member to cover your class while you make the call. This can take some time so let them know that you may be out of the class for a while.

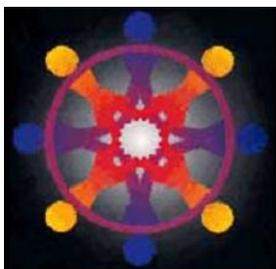
You can let them know that you need to contact the Child Protection Worker, but you must not identify the child or any of the details about the situation.

### **What do I do if the phone is in my class and I may be overheard while making the report?**

A report of child abuse must be confidential. If you could be overheard at a phone, you must find a place where you can have a private conversation.

### **What if the person identified by the child is a student or staff person in the school?**

The legislation and process for reporting are the same – it does not matter who the person identified is or the position they hold in the school or community.



## Verbal Report of Suspected Child Abuse

### **What do I need to make a report?**

To make the initial phone call, you will need:

- your name and position in the school
- the name, address and phone number of the school
- the child's name, grade and teacher
- the family's name and contact information
- the family status (birth, foster, living with...)
- where the child is now
- any circumstances that may affect the response of the Child Protection Worker (for example: the parent usually picks the child up after school – this lets the Child Protection Worker decide if they want to respond before school finishes)

**Use the *Written Report of Suspected Child Abuse Form and Checklist* as a guide to ensure that you have all of the information you need.**

### **Before ending the call**

- ask for and write down the full name of the Child Protection Worker you talk to
- write down any follow-up actions that the Child Protection Worker tells you about

### **What do I do after the Child Protection Worker arrives?**

Answer any questions that the Child Protection Worker has regarding the child or the disclosure.

If the child wants you to stay while s/he talks with the Child Protection Worker, you can stay for that conversation. However, be aware that if there is a court case related to this situation, you may be called to testify about what you saw and heard.

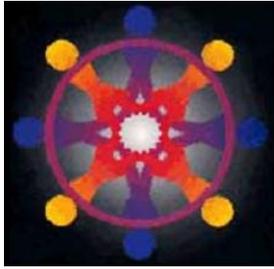
### **Where will the Child Protection Worker meet with the child?**

Child Protection Workers have the authority to meet with and/or take a child when and where they decide is most appropriate.

In most cases, they prefer to meet with the child at school during the school day as this is a safe, comfortable and familiar place for the child with support persons available.

**What do I do after the Child Protection Worker leaves?**

You may have some anxiety or concerns after making a referral. Although you must not identify the child or family and/or any of your suspicions or details of the referral, it is a good idea to debrief the experience with someone who has been involved in referrals. In most cases, the School Counsellor, Program Support Teacher or Administrator will have had experiences with child protection referrals.



## *Written Report of Suspected Child Abuse Form*

### **While waiting for the Child Protection Worker:**

- complete the *Written Report of Suspected Child Abuse Form*
- collect any relevant or related drawings, writings or other documents by the child
- write down (document) and date any comments or statements made by the child during the disclosure
  - try to use the child's exact words.
  - keep notes about the child's behaviour and emotional state, as well as the circumstances at the time of the disclosure (for example: "Child stayed in her desk with her face hidden after all the other children went home. She cried for 15 minutes.")
- have an Administrator sign the form

**The Administrator signs to acknowledge that the report is being submitted,  
however, they must not influence either your decision to report  
or the information that is included in the report.**

### **What if the person identified by the child is the Administrator in the school?**

If the Administrator or designate is the person identified, you must not discuss the referral with them or have them sign the form. In this case, you would contact the Superintendent for the signature.

### **What do I do with the *Written Report of Suspected Child Abuse Form*?**

1. You will need to make 3 copies of the *Written Report of Suspected Child Abuse Form* and any related documents.
2. Give the Child Protection Worker the completed original *Form* and the originals of any related documents.
3. If you do not have direct contact with the Child Protection Worker:
  - a. fax a copy using the accompanying *Fax Form* – this fax form asks the Child Protection Worker to call to let you know that the fax has been received.
  - b. Indicate that the form is for the Child Protection Worker.
  - c. keep the originals and provide them if requested by the Child Protection Worker.

4. Fax another copy to the Director of Child and Family Services using the accompanying fax form – this fax form asks the Director of Child and Family Services to call to let you know that the fax has been received.

Indicate that the form is for the Director of Child and Family Services.

5. Keep a set of copies for yourself.

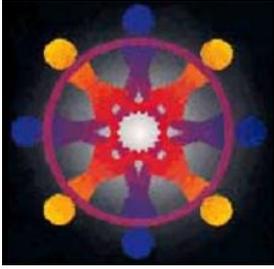
**What do I do with my copy of the *Written Report of Suspected Child Abuse Form*?**

A *Written Report of Suspected Child Abuse Form* belongs to the staff who fills the form and makes the report.

The staff filling the form must store the form in a confidential manner.

1. Place a copy of the report including copies of related documents in a sealed envelope.
2. Write your name and the date on the front of the envelope and place in the Child Protection Referrals File. The Administrator or designate will know where this file is kept.
3. Once you are sure that the Child Protection Worker and the Director of Child and Family Services has received the form and any other related documents, your copy of the form can be destroyed. The form must be **shredded** before being discarded.

***A Written Report of Suspected Child Abuse Form* is not a school record and cannot be placed in the child's Student Record (Cumulative File) or any other school file including the Program Support Record or the Principal's Record.**



I am not sure making a report is a good idea because:

- the child has asked me to keep the information private.
- I do not want to make trouble for the family.
- I am worried that if the family knows that I made a report they will threaten me/take their kids out of school/hurt their kids,....

<i>Child and Family Services Act (2010): Confidentiality and privilege</i>	
<p><b>What the Act Says</b>            8. (3) Subsection (1) applies            (a) notwithstanding any other Act; and            (b) notwithstanding that the information is confidential or privileged.</p>	<p><b>What This Means</b>            You must report information about child abuse even when it has been told to you in confidence, and the child asks you not to tell.</p>

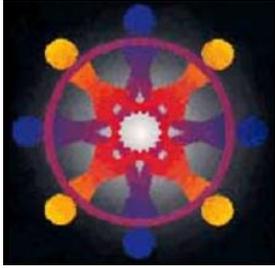


Can I get in trouble for making a report of child abuse?

What if:

- the Child Protection Worker doesn't find any evidence of child abuse?
- the child/family changes their story?

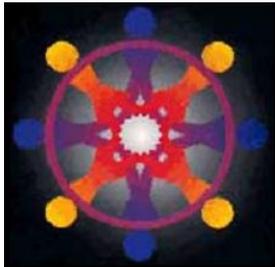
<i>Child and Family Services Act (2010): Civil liability</i>	
<p><b>What the Act Says</b>            8. (4) No action shall be commenced against a person for reporting information in accordance with this section unless it is done maliciously.</p>	<p><b>What This Means</b>            When you make a report in good faith and without malice, you are protected by law from any legal action.</p>



I am concerned about making a report because:

- the family will be upset and threaten me
- the family will take their kids out of school
- the family will hurt their kids
- the child will no longer come to me when they need help

<i>Child and Family Services Act (2010): Offence and punishment</i>	
<p><b>What the Act Says</b></p> <p>8. (6) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both.</p>	<p><b>What This Means</b></p> <p>To not report a child in need of protection is an offence and can be punishable with a fine, imprisonment or both.</p>



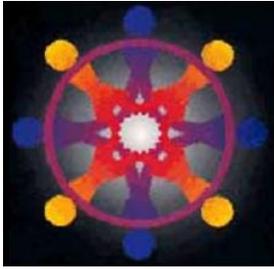
I do not have any evidence (for example, bruises or other marks) that child abuse took place.

- This is the first time that this child has said anything like this.
- This is a good family – they don't do this kind of thing.
- We have known this family for a long time and this has never happened before.

<i>Child and Family Services Act (2010): Investigation</i>	
<p><b>What the Act Says</b></p> <p>9. (1) A person to whom a report is made under section 8 shall investigate the child's need for protection.</p>	<p><b>What This Means</b></p> <p>Your duty is to report.</p> <p>It is not your duty to confirm or investigate a disclosure.</p>

### **Interference with Investigations**

School personnel must not contact parents or guardians of the child about a report of known or suspected child abuse. This could lead to tainted or spoiled evidence and cause serious problems with the investigation.



## What will the Child Protection Worker do?

- I never heard back about the last report that I made.
- The last time I called and reported, nothing happened.

### *Child and Family Services Act (2010): Confidentiality*

#### **What the Act Says**

71. (1) Any information or record of information relating to a person is confidential where it is received, obtained or retained by any person:

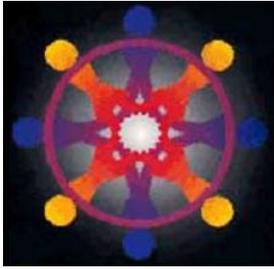
- (a) under this Act or the regulations;
- (b) in the exercise of his or her powers or in the performance of his or her duties under this Act or the regulations;

#### **What This Means**

A Child Protection Worker is strictly bound by confidentiality and may not be able to disclose any information about the decisions being made.

Child Protection Workers have to be very careful with any information that they gather during an investigation of child abuse. They must protect the identity of the child, the family and the person making the report. They must also handle the information carefully to ensure that it can be used in court, if necessary. If it turns out that there is no evidence of child abuse, the child and family must be able to continue to live their lives without suspicion.

Child Protection Workers have a number of responsibilities when investigating a report of child abuse. If they do not follow the legislation outlined in the *Child and Family Services Act*, they may jeopardize any future decisions about the child involved and any criminal charges against the accused.



## Information for Administrators

### **Verbal Report of Suspected Child Abuse**

The person who suspects child abuse must make the verbal report. The Administrator or designate can support this by being available to replace the person who is reporting and/or providing a confidential place to make the report. Because reports must be made as soon as possible, the Administrator or designate should make themselves available at the time of the request.

### ***Written Report of Suspected Child Abuse Form***

Administrators will be asked to sign any *Written Report of Suspected Child Forms* to acknowledge that the report is being submitted, however, the Administrator must not influence either the decision to report or the information that is included in the report.

Any influence or direction about the decision to report or the information included in the report is in contravention of the *Child and Family Services Act (2010)*.

### **Child Protection Referrals File**

A *Written Report of Suspected Child Abuse Form* belongs to the staff who fills the form and makes the report. The person filling the form must store the form in a confidential manner.

### **Note:**

**A *Written Report of Suspected Child Abuse Form* is not a school record and cannot be placed in the child's Student Record (Cumulative File) or any other school record including the Program Support Record or the Principal's Record.**

The Administrator will develop a Child Protection Referrals file that will be kept in a confidential and secure location.

Anyone making a referral will place a copy of the report including copies of supporting notes and documents in a sealed envelope with their name and date. This should be kept in this file until the staff can confirm that the original has been received by the Child Protection Worker and a copy has been received by the Director of Child and Family Services. Once this has been confirmed, the copy of the report in the Child Protections Referrals file can be destroyed. The form must be shredded prior to disposal.

On or about June 1 of any school year, the Administrator will return any of the envelopes that are still in the Child Protection Referrals file to the staff whose name appears on the outside.

Ask the identified staff to contact the Child Protection Worker associated with their referral and the Director of Child and Family Services to confirm that copies have been received. Once they have confirmed that the copies were received, they will destroy the copy in the file. This file should be empty by the end of each school year.

### **After a Report**

Making a report of suspected child abuse can be difficult, especially if the person making the report has not done this before. They may appreciate an opportunity to debrief the experience.

Although the child or family and/or any of the suspicions or details of the referral cannot be identified, a general discussion about the importance of reporting and any questions or concerns about the experience can be discussed.

## CONFIDENTIAL

### Written Report of Suspected Child Abuse Fax (sample)

To

- Child Protection Worker:  
Health and Social Services Authority:  
Phone:  
Fax:
  
- Director of Child and Family Services  
Department of Health and Social Services  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife NT  
X1A 2L9  
Phone: (867) 873-7046  
Fax: (867) 873-7706

Attached is a completed *Written Report of Suspected Child Abuse Form* for your files.

Please call to confirm that the form has been received.

Thank you.

From  
Name:

Phone:

## CONFIDENTIAL

### Written Report of Suspected Child Abuse Form (sample)

Attach all of the child's writing, drawing or artwork that supports this report.  
Sign and date them.

PLEASE PRINT AND PROVIDE DETAILS

**1. From (Person making the report):**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone numbers: (home) \_\_\_\_\_

(work) \_\_\_\_\_

School and address: \_\_\_\_\_

**2. The Verbal Report:**

Date and time of verbal report: \_\_\_\_\_

Person receiving referral: \_\_\_\_\_

Position: \_\_\_\_\_

Phone number: \_\_\_\_\_

**3. Student Information:**

Name: \_\_\_\_\_

Date of birth(D/M/Y): \_\_\_\_\_

Male: \_\_\_\_\_

Female: \_\_\_\_\_

Grade: \_\_\_\_\_

Classroom teacher: \_\_\_\_\_

Name and address of the person the child lives or stays with at the time of this report:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Describe what caused you to suspect child abuse (conversation, events, observations, or circumstances). If you suspect physical abuse please mark injury areas on drawing and describe the injury (e.g. bruising burns). Attach additional sheets as required.

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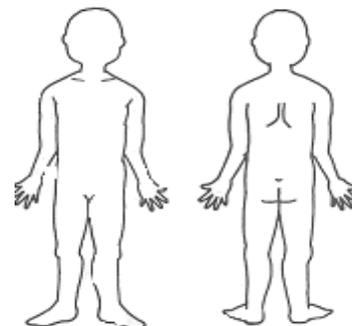
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5. Did the Child Protection Worker and/or RCMP say that they would be taking any follow-up action?

Yes

No

The follow-up actions include:

---



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- | 6. Your Signature         | Date | Time |
|---------------------------|------|------|
| Administrator's Signature | Date | Time |

7. Give or fax the original copy of the report including original copies of any relevant or related documents and notes to the Child Protection Worker that accepts your referral.

Fax a copy of the report including copies of any relevant or related documents and notes to the Director of Child and Family Services.

Use the accompanying fax form when faxing a report. Indicate that the form is for the Child Protection Worker or the Director of Child and Family Services.

Place a copy of the report including copies of any relevant or related documents and notes in a sealed envelope.

Write your name and the date on the front of the envelope and place in the Child Protection Referrals File. The Administrator or designate will know where this file is kept.

## CONFIDENTIAL

### Written Report of Suspected Child Abuse Checklist (sample)

#### 1. Verbal Report of Child Abuse

Before I call, I need:

- my name and position in the school
- the name, address and phone number of the school
- the child's name, grade and teacher
- the family's name and contact information
- the family status (birth, foster, living with...)
- where the child is now
- any circumstances that may affect the response of the Child Protection Worker (for example: the parent usually picks the child up after school – this lets the Child Protection Worker decide if they want to respond before school finishes)

#### 2. Name of Child Protection Worker

- The name of the Child Protection Worker I spoke to is:

#### 3. Written Report of Suspected Child Abuse

To complete the *Written Report of Suspected Child Abuse Form*, I need:

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- any relevant or related drawings, writings or other documents by the child
- any notes I have made about any comments or statements made by the child during the disclosure (try to use the child's exact words)
- any notes I made about the child's behaviour and emotional state, as well as the circumstances at the time of the disclosure

#### 4. Administrator's Signature

The Administrator signs to acknowledge that the report is being submitted, however, they must not influence either my decision to report or the information that is included in the report.

- My Administrator has signed the form.

OR

If the Administrator or designate is the person identified, I do not discuss the referral with them and I do not have them sign the form.

- I have contacted the Superintendent for the signature.

**5. Copies of the *Written Report of Suspected Child Abuse Form***

- I have made 2 copies of the *Form*, any relevant or related documents and my notes.

**6. Original Copy of the *Written Report of Suspected Child Abuse Form***

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OR

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  - indicating that the fax is for the Director, Child and Family Services, and
  - including copies of any relevant or related documents and my notes.

**8. Copy 2 of the *Written Report of Suspected Child Abuse Form***

Copy 2 *Written Report of Suspected Child Abuse Form* belongs to me – I am responsible for storing it in a confidential manner. I have:

- placed the copy including copies of any relevant or related documents and my notes in a sealed envelope
- written my name and the date on the front of the envelope
- placed the sealed envelope in the Child Protection Referrals File with my Administrator

**A *Written Report of Suspected Child Abuse Form* is not a school record and cannot be placed in the child's Student Record (Cumulative File) or any other school file including the Program Support Record or the Principal's Record.**

**9. Destruction of the *Written Report of Suspected Child Abuse Form***

- I have confirmed that the Child Protection Worker has received the *Form* and any relevant or related documents and my notes.
- I have confirmed that the Director of Child and Family Services has received a copy of the *Form* with copies of any relevant or related documents and my notes.
- I have destroyed my copy of the form by **shredding** and then discarding it.

## Child and Family Services Act (2010)

<i>Child and Family Services Act (2010): A child needs protection where:</i>	
<b>What the Act Says</b>	<b>What This Means: You must report if:</b>
7.3 (a-b) there is a substantial risk or the child has suffered physical harm inflicted by the child's parent or caused by the parent's inability to care and provide for or supervise and protect the child adequately;	You suspect or have knowledge that a child is experiencing physical abuse.
(c-d) there is a substantial risk or the child has been sexually molested or sexually exploited by the child's parent or by another person in circumstances where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child;	You suspect or have knowledge that a child is experiencing sexual abuse.
(e-f) there is a substantial risk or the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm;	You suspect or have knowledge that a child is experiencing mental health or behavior concerns.
(g) 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 does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;	You suspect or have knowledge that a child is not receiving appropriate parent support for a mental health or developmental condition.
(h-i) the child has been subject to a pattern of neglect and there is a substantial risk or that has resulted in physical or emotional harm to the child;	You suspect or have knowledge that a child is experiencing neglect that could cause physical or emotional harm.
(j) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent of the child and the child's parent fails or refuses to obtain services, treatment or healing processes to remedy or alleviate the harm;	You suspect or have knowledge that a child is experiencing harm due to domestic violence.
(k) the child has been exposed to repeated domestic violence by or towards a parent of the child and there is a substantial risk that the exposure will result in physical or emotional harm to the child and the child's parent fails or refuses to obtain services, treatment or healing processes to prevent the harm;	You suspect or have knowledge that a child is witnessing repeated incidents of domestic violence.

<b>Child and Family Services Act (2010): A child needs protection where:</b>	
<b>What the Act Says</b>	<b>What This Means: You must report if:</b>
(l-m) there is a substantial risk or the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, drugs, solvents or similar substances, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm;	You suspect or have knowledge that a child is being harmed by the use of child's use of alcohol, drugs, solvents or similar substances.
(n) the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the treatment;	You suspect or have knowledge that a child is not receiving appropriate care for a physical condition.
(o) the child suffers from malnutrition of a degree that, if not immediately remedied, could seriously impair the child's growth or development or result in permanent injury or death;	You suspect or have knowledge that a child is experiencing malnutrition that may impair growth or development.
(p-q-r) the child has been abandoned by the child's parent or the child's parents have died without making adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;	You suspect or have knowledge that a child is without parents or extended family members who will provide care.
(s) the child is less than 12 years of age and has killed or seriously injured another person or has persisted in injuring others or causing damage to the property of others, and services, treatment or healing processes are necessary to prevent a recurrence, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the services, treatment or healing processes.	You suspect or have knowledge that a child who is less than 12 years of age has killed, seriously injured and/or persistently injured others.







July 2012

## CONFIDENTIAL

### Written Report of Suspected Child Abuse Fax

To

- Child Protection Worker:  
Health and Social Services Authority:  
Phone:  
Fax:
  
- Director of Child and Family Services  
Department of Health and Social Services  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife NT  
X1A 2L9  
Phone: (867) 873-7046  
Fax: (867) 873-7706

Attached is a completed *Written Report of Suspected Child Abuse Form* for your files.

Please call to confirm that the form has been received.

Thank you.

From  
Name:

Phone:



# CONFIDENTIAL

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Attach all of the child's writing, drawing or artwork that supports this report.  
Sign and date them.

PLEASE PRINT AND PROVIDE DETAILS

### 1. From (Person making the report):

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Telephone numbers: (home) \_\_\_\_\_ (work) \_\_\_\_\_

School and address: \_\_\_\_\_

### 2. The Verbal Report:

Date and time of verbal report: \_\_\_\_\_

Person receiving referral: \_\_\_\_\_

Position: \_\_\_\_\_

Phone number: \_\_\_\_\_

### 3. Student Information:

Name: \_\_\_\_\_ Date of birth(D/M/Y): \_\_\_\_\_

Male: \_\_\_\_\_ Female: \_\_\_\_\_

Grade: \_\_\_\_\_ Classroom teacher: \_\_\_\_\_

Name and address of the person the child lives or stays with at the time of this report:

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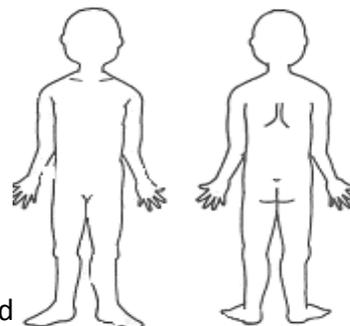
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Yes

No

The follow-up actions include:

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Time

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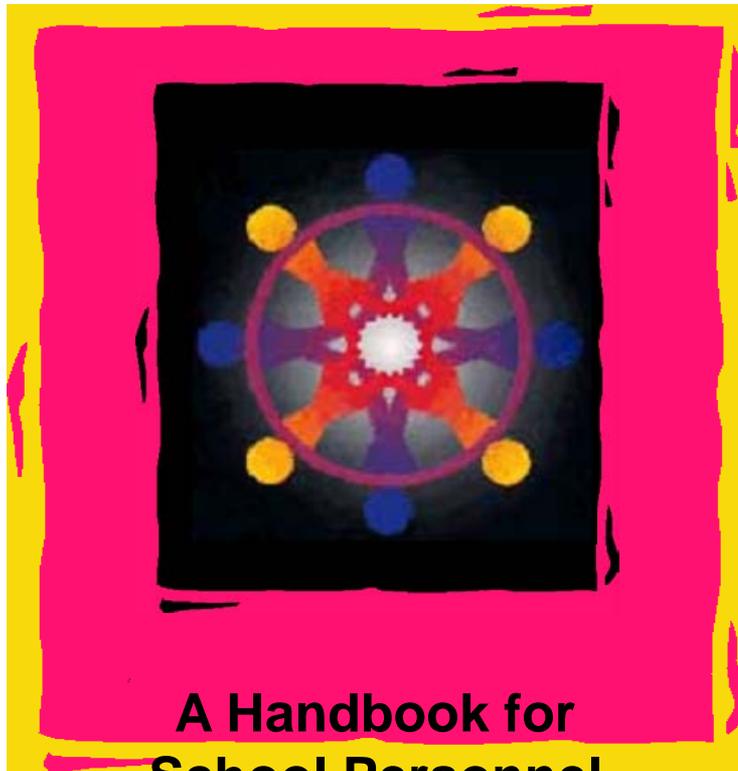
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# DEALING with CHILD ABUSE



**A Handbook for  
School Personnel**

## **Frequently Asked Questions (2012)**

The *Child and Family Services Act (2010)* is the legislation that includes the Duty to Report a Child Needing Protection 8(1). The *Act* begins with the following:

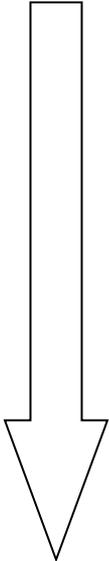
- Whereas the family is the basic unit of society and its well-being should be supported and promoted;
- And whereas children are entitled to protection from abuse, harm and neglect;
- And whereas children are entitled to be informed of their rights and involved in decisions affecting those rights and their lives;
- And whereas families are entitled to be informed of their rights and to participate in the decisions affecting those rights;

## The *Child and Family Services Act (2010)*

- And whereas it is recognized that decisions concerning children should be made in accordance with the best interests of children, with a recognition that differing cultural values and practices must be respected in those determinations;
- And whereas a child's extended family can often provide important support in meeting the best interests of the child;
- And whereas each community has a role in supporting and promoting the best interests of the children and the well being of families in the community;

There are a number of Acts, regulations, policies and procedures that can affect staff and students in schools in the Northwest Territories.

It is important to understand how these relate to each other so that decisions are made in alignment with all relevant Acts, regulations, policies and procedures.

<p>Authority</p> 	Legislation	Charter of Rights and Freedoms	Government of Canada
	Legislation	Criminal Code of Canada	Government of Canada
	Legislation	Human Rights Act	Government of NWT
	Legislation	ATIPP (Access to Information and Protection of Privacy Act)	Government of NWT
	Legislation	Child and Family Services Act	Government of NWT
	Legislation	Education Act	Government of NWT
	Policies and Procedures	Local School Board Policies	District Education Councils
	Procedures and Ethics	Membership	Northwest Territories Teachers' Association (NWTTA)

*The Child and Family Services Act (2010)* takes precedence over most other legislation; any policies, procedures or practices in your local school board; and practices and ethics associated with the Northwest Territories Teachers Association (NWTTA).

No one can tell you not to report – not even your administrator or school board member. Your first responsibility if you suspect or have knowledge about a child experiencing child abuse is to report.



# Definitions

*Child and Family Services Act (2010): Definitions*

<b>What the Act Says</b>	<b>What This Means</b>
'abuse' means neglect or emotional, psychological, physical or sexual abuse	
'child' means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under subsection 47(3) or 48(2)	You do not need to know the actual age of a child – if you think that the child looks to be under 16 years of age, you need to make the report

The *Dealing with Child Abuse: A Handbook for School Personnel (2005)* defines:

- **physical abuse** as ‘... any physical injury of a child which is not accidental.
- **physical neglect** as ‘... basic needs such as clothing, food, shelter, health care and protection from harm are not being provided.
- **emotional neglect** as ‘... the child's deeper needs for love and affection, a sense of belonging, guidance and stability are not being met.

The *Dealing with Child Abuse: A Handbook for School Personnel (2005)* defines:

- **emotional abuse** as ‘... anything that seriously hurts a child mentally or emotionally. This could include being exposed to constant 'put-downs' and verbal attacks, repeated rejection, or violence in the home.
- **sexual abuse** as ‘... involving a child in sexual touching or any form of sexual activity.

Sexual abuse may also include forcing or allowing a child to watch or look at sexual activity, pornographic materials, or books, magazines or videos containing sexual material that is inappropriate or unsuitable for a child.

**A Child Protection Worker** has the authority to act on behalf of the Director, Child and Family Services who has the authority to enforce the *Child and Family Services Act (2010)*.

In some cases, particularly in small communities, the Social Worker will have the authority to act as the Child Protection Worker.



When do I need to  
make a report?

*Child and Family Services Act (2010):*

**Duty to report child needing protection**

**What the Act Says**

8. (1) A person who has information of the need of protection of a child shall, without delay, report the matter

(a) to a Child Protection Worker; or

(b) if a Child Protection Worker is not available, to a peace officer or an authorized person.

**What This Means**

You have a duty to report a child that has been, is, or may be in danger of abandonment, neglect, physical, sexual or emotional ill treatment. You must report as soon as possible.

**As soon as you suspect or have knowledge that a child is experiencing child abuse, you must report what you suspect or know to a Child Protection Worker.**

## **What is a disclosure?**

A disclosure occurs when a child tells you or lets you know in some other way that s/he has been, or is being abused.

Sometimes children will tell you directly that they are being abused.

Often they use indirect ways to let you know.

For example:

- drawing pictures about hitting or inappropriate touching
- writing about abuse in journal stories
- play-acting frightening scenes

## **What is a disclosure?**

Children may disclose abuse that:

- is ongoing
- happened weeks, months or years ago
- took place in another location (community or province)
- is happening to someone else

You need to report all stories of abuse, no matter where or when they happened.

Children may disclose in a variety of ways:

- **Direct Disclosures:** Verbal or written statements by the child.

Example: “\_\_\_\_\_ hits me.”

**Appropriate response:**

“You are very brave to tell me about that. Is there anything that you need right now (for example: snack, drink, medical attention). After we do that we will call the social worker\* to let her know what happened. She’ll also want to talk to you about this.”

\*In these examples,  
the term ‘social worker’ is used to represent a child protection worker  
as this is the term most commonly used in conversations and by children and families.

Children may disclose in a variety of ways:

- **Direct Disclosures:** Verbal or written statements by the child.

Example: “\_\_\_\_\_ hits me.”

**Appropriate response:**

“Thank you for letting me know. It can be very hard to talk about someone you love hurting you.”

“Talking about this is the right thing to do, even though it is hard to talk about.”

Children may disclose in a variety of ways:

- **Indirect Disclosures:** Verbal, written or graphic hints including journal writing, drawings, artwork that appear to be about abuse.

Example: “\_\_\_\_\_ bothers me.”

**Appropriate response:**

“What kinds of things do they do that bother you?”

This child may or may not be talking about abuse. S/he could have been talking about a brother who plays loud music or plays jokes.

The answer to your question will identify what you need to do next.

Children may disclose in a variety of ways:

- **Disclosures with Conditions:** The child says that s/he will tell you about something that is happening only if certain conditions are met.

Example: “I want to tell you something but only if you promise....

- not to tell anyone else
- to keep this secret
- not to tell my parents/social worker/police
- that my parents won't get in trouble
- that I won't have to go to foster care”

## **Appropriate response:**

Do not make these promises.

“Before you tell me about this, you need to know that if I think that someone is hurting you, I need to call the social worker.”

“There are some secrets that shouldn’t be kept. We need to talk to the social worker about this.”

“Thank you for telling me about this. This is the kind of situation that I have to talk with a social worker about. It is my responsibility to let them know if I think that a child is not safe. Would you like to listen while I call them?”

Note:

This child may not be ready to talk about the situation without the conditions.

Let the child know that you would be available to answer questions about talking to a social worker or to talk about the situation at any time.

Make a note of the comments that the child has made to include in a report if you make one in the future.

- **Disguised Disclosures:** The child isn't ready to tell you that s/he is being abused, and so pretends that it is happening to someone else.

Example: "I think that someone is hurting my friend."

**Appropriate response:**

"Do you think that your friend would talk to me or another adult about this?"

- **Third Party Disclosures:** The child tells you about abuse that is happening to another child.

Example: “I know someone who is being abused.”

**Appropriate response:**

“Do you think that you could bring your friend here to talk with me about this situation?”

**When the child has disclosed enough  
so that you have knowledge of or suspect child abuse,  
tell the child that you are not allowed to hear any more  
because it is important  
that s/he share her disclosure with a Child Protection Worker.**

## **What can I say when I need to let the child know that I need to stop the disclosure and contact the Child Protection Worker?**

- Telling someone about this is the right thing to do. I'm going to have to ask you to do something that will be hard, but it is important...
- What you are telling me about needs to be heard by someone who is trained to help you better than I would be able to...
- I'm honoured that you trust in me, and ask that you continue to trust me...

## **What do I tell the child about what is going to happen next?**

Explain that you and the child will go to talk with a Child Protection Worker.

Let them know that:

- a Child Protection Worker (or when appropriate, an RCMP Officer) will be coming to talk to them about what has just been said.
- you will stay with them until the Child Protection Worker arrives and has a chance to meet and/or tell the story.
- the most important thing that the Child Protection Worker will be thinking about is safety.

The child must continue to think that what s/he has to say is important, and must feel safe enough to relate the complete disclosure to the Child Protection Worker.

## Is there anything that I shouldn't say or do?

- **Do not make promises:** Telling a child that "everything is alright" or "now you will get the help you need" are promises that can not be guaranteed.
- **Do not make judgments:** Making statements like "What a terrible thing to do" or "How awful" can create more stress and anxiety for the child and may make it more difficult to repeat the story to a Child Protection Worker.
- **Do not show disgust or shock:** these kinds of statements can also create added stress or reluctance to repeat the story.
- **Do not express to the child what you think s/he might be feeling** "You must hate him for what he did to you." is not an appropriate response.

## **Do not.....**

- continue with questioning once you suspect child abuse
- contact the parents or guardians of the child
- discuss the identify of the child or family or any details of the disclosure or the report with anyone, including other school personnel
- discuss the report with anyone except the Child Protection Worker or the RCMP investigating the specific case you are reporting
- attempt to do any investigation

## **After the disclosure**

The child may deny that the abuse has taken place, make excuses for the abuser or try to minimize what happened.

The child may do this as a way of dealing with the feelings about the abuse or the abuser.

The child may want to deny the abuse because s/he feels responsible for upsetting the family or getting the abuser in trouble.

## **After the disclosure**

After a disclosure of abuse, there is likely to be some upheaval within the family, even if the abuser is not a family member.

The family may need to be separated, and the abuser may be angry about having to talk with the Child Protection Worker.

Family members may side with the abuser making the child feel isolated or that s/he did something wrong.

In some cases, abuse may have taken place but there is not enough evidence to take action so the child is returned to the family.

## **After the disclosure**

After a disclosure of abuse, children may feel guilty for many reasons including that s/he may:

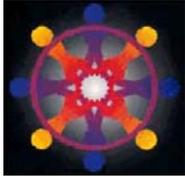
- have enjoyed some aspects of the abusive relationship (for example: the attention, special treats or gifts)
- feel responsible for starting or continuing the relationship
- feel that s/he is getting the abuser into trouble with social services or the RCMP
- be worried that the family will be separated
- be worried about what will happen to their siblings or parents

These feelings may cause the child to be angry with the person s/he told.

Do not take the child's anger personally and do not let it keep you from being supportive.



Who makes the report?



## Who makes the report?

*Child and Family Services Act (2010): Duty may not be delegated*

**What the Act Says**

8. (2) For greater certainty, a person may not delegate the duty to report a matter under subsection (1) to another person.

**What This Means**

If you are the person who has the information, you must make the call and as soon as possible.

You must not ask or allow another person to make the report for you.

## **What do I do if I am not able to leave my class to make a call?**

Ask your Administrator or another staff member to cover your class while you make the call.

This can take some time so let them know that you may be out of the class for a while.

You can let them know that you need to contact the Child Protection Worker, but you must not identify the child or any of the details about the situation.

**What do I do if the phone is in my class and I may be overheard while making the report?**

A report of child abuse must be confidential.

If you could be overheard at a phone, you must find a place where you can have a private conversation.

**What if the person identified by the child is a student or staff person in the school?**

The legislation and process for reporting are the same – it does not matter who the person identified is or the position they hold in the school or community.



# Verbal Report of Suspected Child Abuse

## **What do I need to make a report?**

To make the initial phone call, you will need:

- your name and position in the school
- the name, address and phone number of the school
- the child's name, grade and teacher
- the family's name and contact information
- the family status (birth, foster, living with...)
- where the child is now
- any circumstances that may affect the response of the Child Protection Worker (for example: the parent usually picks the child up after school – this lets the Child Protection Worker decide if they want to respond before school finishes)

**Use the *Written Report of Suspected Child Abuse Form and Checklist*  
as a guide  
to ensure that you have all of the information you need.**

## **Before ending the call**

- ask for and write down the full name of the Child Protection Worker you talk to
- write down any follow-up actions that the Child Protection Worker tells you about

## **What do I do after the Child Protection Worker arrives?**

Answer any questions that the Child Protection Worker has regarding the child or the disclosure.

If the child wants you to stay when s/he talks with the Child Protection Worker, you can stay for that conversation.

Be aware that if there is a court case related to this situation, you may be called to testify about what you saw and heard.

## **Where will the Child Protection Worker meet with the child?**

Child Protection Workers have the authority to meet with and/or take a child when and where they decide is most appropriate.

In most cases, they prefer to meet with the child at school during the school day as this is a safe, comfortable and familiar place for the child with support persons available.

## **What do I do after the Child Protection Worker leaves?**

You may have some anxiety or concerns after making a referral.

Although you must not identify the child or family and/or any of your suspicions or details of the referral, it is a good idea to debrief the experience with someone who has been involved in referrals.

In most cases, the School Counsellor, Program Support Teacher or Administrator will have had experiences with child protection referrals.



*Written Report of  
Suspected Child  
Abuse Form*

## **While waiting for the Child Protection Worker:**

- complete the *Written Report of Suspected Child Abuse Form*
- collect any relevant or related drawings, writings or other documents by the child
- write down (document) and date any comments or statements made by the child during the disclosure
- try to use the child's exact words

## **While waiting for the Child Protection Worker:**

- keep notes about the child's behaviour and emotional state, as well as the circumstances at the time of the disclosure (for example: "Child stayed in her desk with her face hidden after all the other children went home. She cried for 15 minutes.")
- have an Administrator sign the form

**The Administrator signs to acknowledge that the report is being submitted, however, s/he must not influence either your decision to report or the information that is included in the report.**

**What if the person identified by the child is the Administrator in the school?**

If the Administrator or designate is the person identified, you must not discuss the referral with them or have them sign the form.

In this case, you would contact the Superintendent for the signature.

## **What do I do with the *Written Report of Suspected Child Abuse Form*?**

1. You will need to make 3 copies of the *Written Report of Suspected Child Abuse Form* and any related documents.
2. Give the Child Protection Worker the completed original *Form* and the originals of any related documents.
3. If you do not have direct contact with the Child Protection Worker:
  - a. fax a copy using the accompanying *Fax Form* – this form asks the Child Protection Worker to call to let you know that the fax has been received.
  - b. indicate that the *Form* is for the Child Protection Worker.
  - c. keep the originals and provide them if requested by the Child Protection Worker.

## **What do I do with the *Written Report of Suspected Child Abuse Form*?**

4. Fax another copy to the Director of Child and Family Services using the accompanying *Fax Form* – this form asks the Director of Child and Family Services to call to let you know that the fax has been received.

Indicate that the form is for the Director of Child and Family Services.

5. Keep a set of copies for yourself.

## **What do I do with my copy of the *Written Report of Suspected Child Abuse Form*?**

A *Written Report of Suspected Child Abuse Form* belongs to the staff who fills the form and makes the report.

The staff filling the *Form* must store it in a confidential manner.

1. Place a copy of the report including copies of related documents in a sealed envelope.
1. Write your name and the date on the front of the envelope and place it in the Child Protection Referrals File. The Administrator or designate will know where this file is kept.

**What do I do with my copy of the *Written Report of Suspected Child Abuse Form*?**

3. Once you are sure that the Child Protection Worker and the Director of Child and Family Services have received the *Form* and any other related documents, your copy of the form can be destroyed.

The form must be **shredded** before being discarded.

***A Written Report of Suspected Child Abuse Form*  
is not a school record and cannot be placed  
in the child's Student Record (Cumulative File)  
or any other school file  
including the Program Support Record or the Principal's Record.**

## CONFIDENTIAL

### Written Report of Suspected Child Abuse Fax

To

- Child Protection Worker:  
Health and Social Services Authority:  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_
  
- Director of Child and Family Services  
Department of Health and Social Services  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife NT X1A 2L9  
Phone: (867) 873-7046 Fax: (867) 873-7706

Attached is a Written Report of Suspected Child Abuse Form for your files.

Please call to confirm that the form has been received.

Thank you.

From

Name:

Phone:

**CONFIDENTIAL**

**Written Report of Suspected Child Abuse Form**

Attach all of the child's writing, drawing or artwork that supports this report.  
Sign and date them.

PLEASE PRINT AND PROVIDE DETAILS

**1. From (Person making the report):**

Name:

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Position:

---

Telephone numbers: (home)

(work)

---

School and address:

---

**2. The Verbal Report:**

Date and time of verbal report:

---

Person receiving referral:

---

Their position:

---

Their phone number:

---

**3. Student Information:**

Name:

Date of birth(D/M/Y):

---

Male:

Female:

---

Grade:

Classroom teacher:

---

Name and address of the person the child lives or stays with at the time of this report:

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4. Describe what caused you to suspect child abuse (conversation, events, observations, c physical abuse please mark injury areas on drawing and describe the injury (e.g. bruising sheets as required).

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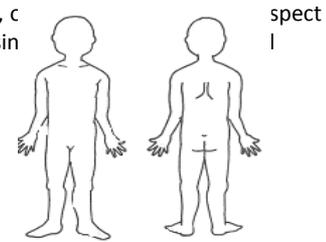
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5. Did the Child Protection Worker and/or RCMP say that they would be taking any follow-up action?

Yes

No

The follow-up actions include:

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6. Your Signature Date Time

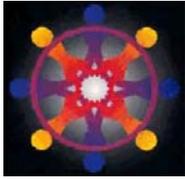
Administrator's Signature Date Time

7. Give or fax the original copy of the report including original copies of supporting notes and documents to the Child Protection Worker that accepts your referral.

Fax a copy of the report including copies of supporting notes and documents to the Director of Child and Family Services.

Use the accompanying fax form when faxing a report – this fax form asks the Child Protection Worker or Director of Child and Family Services to call to let you know that the fax has been received. Indicate that the form is for the Child Protection Worker of the Director of Child and Family Services.

Place a copy of the report including copies of supporting notes and documents in a sealed envelope. Write your name and the date on the front of the envelope and place in the Child Protection Referrals File. The administrator or designate will know where this file is kept.



I am not sure making a report is a good idea because:

- the child has asked me to keep the information private.
- I do not want to make trouble for the family.
- I am worried that if the family knows that I made a report they will threaten me/take their kids out of school/hurt their kids....

*Child and Family Services Act (2010): Confidentiality and privilege*

**What the Act Says**

8. (3) Subsection (1) applies  
(a) notwithstanding any other Act;  
and  
(b) notwithstanding that the information is confidential or privileged.

**What This Means**

You must report information about child abuse even when it has been told to you in confidence, and the child asks you not to tell.

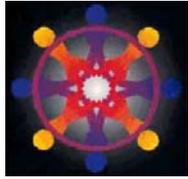


## Can I get in trouble for making a report of child abuse?

What if:

- the Child Protection Worker doesn't find any evidence of child abuse?
- the child/family changes their story?

<i>Child and Family Services Act (2010): Civil liability</i>	
<b>What the Act Says</b> 8. (4) No action shall be commenced against a person for reporting information in accordance with this section unless it is done maliciously.	<b>What This Means</b> When you make a report in good faith and without malice, you are protected by law from any legal action.



I am concerned about making a report because:

- the family will be upset and threaten me
- the family will take their kids out of school
- the family will hurt their kids
- the child will no longer come to me when they need help

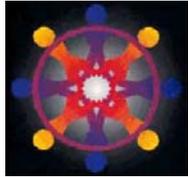
*Child and Family Services Act (2010):* **Offence and punishment**

**What the Act Says**

8. (6) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000, to imprisonment for a term not exceeding six months or to both.

**What This Means**

To not report a child in need of protection is an offence and can be punishable with a fine, imprisonment or both.



I do not have any evidence (for example, bruises or other marks) that child abuse took place.

- This is the first time that this child has said anything like this.
- This is a good family – they don't do this kind of thing.
- We have known this family for a long time and this has never happened before.

*Child and Family Services Act (2010): Investigation*

**What the Act Says**

9. (1) A person to whom a report is made under section 8 shall investigate the child's need for protection.

**What This Means**

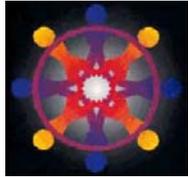
Your duty is to report.

It is not your duty to confirm or investigate a disclosure.

## **Interference with Investigations**

School personnel must not contact parents or guardians of the child about a report of known or suspected child abuse.

This could lead to tainted or spoiled evidence and cause serious problems with the investigation.



## What will the Child Protection Worker do?

- I never heard back about the last report that I made.
- The last time I called and reported, nothing happened.

### *Child and Family Services Act (2010): Confidentiality*

#### **What the Act Says**

71. (1) Any information or record of information relating to a person is confidential where it is received, obtained or retained by any person:

(a) under this Act or the regulations;

(b) in the exercise of his or her powers or in the performance of his or her duties under this Act or the regulations;

#### **What This Means**

A Child Protection Worker is strictly bound by confidentiality and may not be able to disclose any information about the decisions being made.

Child Protection Workers have to be very careful with any information that they gather during an investigation of child abuse.

They must protect the identity of the child, the family and the person making the report.

They must also handle the information carefully to ensure that it can be used in court, if necessary.

If it turns out that there is no evidence of child abuse, the child and family must be able to continue to live their lives without suspicion.

Child Protection Workers have a number of responsibilities when investigating a report of child abuse.

If they do not follow the legislation outlined in the *Child and Family Services Act (2010)*, they may jeopardize any future decisions about the child involved and any criminal charges against the accused.