

PROTECTIVE SERVICES

Background

The Division requires all employees to concern themselves with the physical, social and emotional welfare of each student. Abuse or neglect of children and youth must not be left unchecked by persons charged with the care of students. The Division affirms that employees will be active partners with other agencies in supporting the needs of children.

Procedures

1. The Legal Requirement to Report to Authorities

- 1.1 The Child and Family Services Act requires any Division employee who has reasonable suspicion to believe that a child under the age of sixteen (16) (and in exceptional circumstance youth ages 16 and 17) is in need of protection as a result of parental abuse or neglect has the responsibility to report the information to a child protection worker or a police officer.
- 1.2 The Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act requires any Division employee who has reasonable suspicions to believe that a child under the age of eighteen (18) has been or is likely to be subjected to sexual abuse to report the information to a child protection worker or a police officer.
- 1.3 The duty to report applies in spite of any claim of confidentiality or professional privilege other than the solicitor/client privilege or Crown privilege.

2. Assisting Children in Need of Protective Services

- 2.1 When a child reports physical, sexual or emotional abuse the receiver of the report should attempt to:
 - 2.1.1 Listen openly and calmly.
 - 2.1.2 Reassure the child that he/she is safe and this is not his/her fault.
 - 2.1.3 Do not correct language and let the child report the incident in his/her own words.
 - 2.1.4 Document what the child has said, along with their observations of the child's demeanor at the time of disclosure
 - 2.1.5 Report (not investigate) any suspected abuse or neglect immediately to a child protection services and/or police.
 - 2.1.6 Avoid making promises that cannot be kept (eg. "I won't tell anyone. I will keep this a secret").
 - 2.1.7 Do not wait until you have all of the information before calling to report the abuse. Tell the child protection worker or police officer as much information as you know.

- 2.1.8 notify the school principal that a report has been made to a child protection worker or police officer about a suspected case of child abuse;
 - 2.1.9 Co-operate with police and child protection workers by providing access to information and an opportunity to speak to the child as needed.
 - 2.1.10 Participate in case planning and observe the child's progress, including behavior, academic progress, emotional functioning and physical well-being.
 - 2.1.11 Maintain a written record of observations and/or discussions with, or relating to the child;
 - 2.1.12 Provide academic, social and emotional support to the child; and
 - 2.1.13 Provide evidence and documentation in court proceedings.
- 2.2 Division employees who, through personal observation or on the basis of discussion with a child, find evidence of, or suspect possible physical, sexual or emotional abuse or neglect shall report this information to the Ministry of Social Services and/or the RCMP. The duty to report is a personal "Duty to Report" and cannot be delegated to another individual.
- 2.3 The person reporting the suspected abuse or neglect, shall maintain a record of all reports and evidence concerning every incident of suspected abuse or neglect.
- 2.4 All information, reports and discussions relative to child abuse or neglect will be treated as confidential by every person employed by the Division.

3. Interviews of Children Conducted by Police/Child Protection Services:

- 3.1.1 Any request from a child protection worker to interview a child shall be referred to the principal.
 - 3.1.2 The principal (or designate) will make the necessary arrangements for a confidential interview to occur.
 - 3.1.3 The child protection worker and police will determine who will be at the interview and will consider the child's support needs and comfort level. By being present at the interview, there is a possibility that the staff member may be subpoenaed to give testimony at a child protection hearing or any criminal proceedings.
- 3.2 A written confirmation may be provided to the school by the child protection worker and/or police highlighting the meeting arrangements, acknowledging the assistance of the principal and indicating the general outcome of the investigation with respect to the child in the school setting. If written information is provided is shall be retained in school files.
- 3.3 When a school is notified that a child is in need of protection within the meaning of *The Child and Family Services Act* Division employees shall cooperate with the persons or agencies involved in the care of the child. This may include, but is not limited to:

- 3.3.1 Observing the child's progress, including behaviour, academic progress, emotional functioning and physical well-being.
- 3.3.2 Participating in any agreed-upon case plan subject to the limits imposed by statute and *The Education Act, 1995*.
- 3.3.3 Sharing information with a child protection worker and any other persons involved in the treatment and support of the child, subject to the limits imposed by statute, including *The Education Act, 1995* and the *Local Authority Freedom of Information and Protection of Privacy Act*.

4. Children who Change Schools Due to an Out-of-Home Placement

- 4.1 In some cases, a child may have to be removed from the parent's/caregiver's care to ensure the child's safety. When a child has been apprehended, he/ she may be placed with extended family, a foster family or a group home outside the school or school division where the child normally attends. In this case:
 - 4.1.1 The principal of the sending school shall be responsible for notifying the principal of the receiving school about the child's circumstances and academic history.
 - 4.1.2 The student's cumulative folder may be transferred with the child as agreed between the principals.

5. Students Aged 16 and Older:

- 5.1 Division employees who, through personal observation or on the basis of discussion with a student aged 16 years or older finds evidence of, or suspects possible physical, sexual or emotional abuse or neglect, shall:
 - 5.1.1 Encourage the student to seek appropriate counseling from a professional experienced in dealing with issues of abuse.
 - 5.1.2 Assist the student, within the context of the educational environment, in obtaining help to deal with the issue facing the student.
 - 5.1.3 Assist the student, should he or she wish, within the context of the educational environment, in reporting the abuse or neglect to the appropriate authorities
 - 5.1.4 Subject to law and statutory provisions keep the information confidential, unless given permission by the student to disclose the information.
 - 5.1.5 Advise the student that any information received from the student might be subject to disclosure pursuant to federal or provincial laws, including a duty to disclose under the Emergency Protection Act.

Reference: Sections 85, 87, 175, 179, 231 Education Act
Saskatchewan Child and Family Services Act
The Emergency Protection of Victims of Child Sexual Abuse and Exploitation Act
Saskatchewan Child Abuse Protocol 2014
Youth Criminal Justice Act
Canadian Charter of Rights and Freedoms

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