

**(1) Purpose**

In Manitoba, it is everyone's legal obligation to protect students by reporting suspected child abuse. You do not have to know for sure if a student is in need of protection. If, in your honest judgment, you believe a student may not be safe, you are legally required to report it.

The Child and Family Services Act defines a child in need of protection... "*where the life, health or emotional well-being of the child is endangered by the act or omission of a person.*" The intent of the legislation is to ensure appropriate steps are taken to protect children in need of protection, regardless of the circumstances.

**(2) Identifying a Child in Need of Protection**

The Act lists examples of situations where a child ought to be considered in need of protection. The Act states a child is in need of protection where a child;

*(a) is without adequate care, supervision or control;*

*(b) is in the care, custody, control or charge of a person*

*(i) who is unable or unwilling to provide adequate care, supervision or control of the child, or*

*(ii) whose conduct endangers or might endanger the life, health or emotional well-being of the child, or*

*(iii) who neglects or refuses to provide or obtain proper medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner;*

*(c) is abused or is in danger of being abused, including where the child is likely to suffer harm or injury due to child pornography;*

*(d) is beyond the control of a person who has the care, custody, control or charge of the child;*

*(e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;*

*(f) is subject to aggression or sexual harassment that endangers the life, health or emotional well-being of the child;*

*(g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision and safety of the child; or*

*(h) is the subject, or is about to become the subject, of an unlawful adoption under The Adoption Act or of a sale under section 84."*

**(3) Procedures**

The River East Transcona School Division has developed the following procedures regarding the reporting of students in need of protection:

- (a) The principal or designate will ensure all school staff are aware of the provincial protocol for reporting concerns about child abuse.
- (b) The principal or designate will instruct all school staff to report to a principal or designate all concerns that a student may be in need of protection and will work with the reporting staff member to initiate an oral report to Child and Family Services (CFS).
- (c) All employees/volunteers/contractors must report suspicions of inappropriate behaviour, as outlined in the Code of Conduct for Child Protection (JLEB-R1), to the appropriate authorities and to their supervisors.
- (d) The principal must immediately notify the assistant superintendent of student services about reported incidents of suspected child abuse and inappropriate behaviour with a student.
- (e) Employees/volunteers/contractors must respect the confidentiality of all reported incidents. The identity of the informant must not be revealed.
- (f) All complaints about employee/volunteer/contractors misconduct must be documented.

- (g) The initiator of the oral report to CFS will complete the Report of Suspected Child Abuse form (JLEB-E) to document the report and will fax the report to the All Nations Coordinated Response Network (to the attention of the person to whom they made the oral report). The principal or designate will forward the original report to the assistant superintendent of student services.
- (h) Following consultation with a child protection agency about alleged incidents of child abuse, a principal or designate with significant concerns about a student's safety shall consult with the assistant superintendent of student services (or designate) if the agency decides not to follow up formally or suggests other interventions.
- (i) The assistant superintendent of student services will ensure the maintenance of written reports on a confidential database.
- (j) The principal or designate will inform all staff that any records of reports of child abuse made by staff during their employment with the division are in the division's custody and control and may be requested by child welfare agencies, as circumstances warrant.
- (k) Irrespective of whether the reporting party is school-based personnel, when reports of child abuse cause child welfare personnel to interview a student at school, the principal or designate will be present at the interview, unless the student expresses a preference to be interviewed without school personnel present.
- (l) Any school personnel present at an interview, shall act only as an observer and refrain from any direct participation in the interview.
- (m) Interviews of a student that occur in school, notification of parent(s)/guardian(s) about allegations or reports of a student having been abused shall remain the responsibility of child welfare personnel.
- (n) The Criminal Code of Canada supersedes all other legislation, including The Labour Relations Act, and the Code of Professional Practice (Manitoba Teachers' Society or MTS) or existing communication protocols. Therefore, an administrator or supervisor who receives information about an allegation or concern involving a staff member must be seen to act objectively and:

- (i) should not differentiate follow-up because of the reputation, length of experience, or employment status (e.g., term or permanent) of a staff member who is the focus of an allegation.
- (ii) should only investigate the allegation in consultation with the appropriate child welfare agency and the assistant superintendent of student services or designate.
- (iii) should only notify the staff member or the parent(s)/legal guardian(s) of the student with authorization from the aforementioned parties.

**(4) Note**

Reporting misconduct is part of the duty of care required by all employees and is therefore not subject to the Code of Professional Practice for any employee group. Employees are not obligated to direct any suspicion of misconduct or abuse to another employee first, or even at all; they are obligated to report it to a supervisor.

Effective Date:	April 16, 2024	Review Date:
Amended Date:		
Board Motion(s):	100/24	
Legal/Cross Reference:	The Child and Family Services Act, C.C.S.M. c. C80; The Labour Relation Act (RSM 1987, c. L10); MTS Code of Professional Practice;	