

305 CHILD WELFARE

Belief

MESC believes that the safety and welfare of its students is of paramount concern. MESC expects employees to fulfill their legal obligations and moral responsibility in reporting suspected cases of a child in need of intervention.

Guidelines

1. Section 4(1) of the Child, Youth and Family Enhancement Act directs that any person who has reasonable and probable grounds to believe that a child is in need of intervention shall immediately report the matter to a director of Alberta Human Services or delegated First Nations Child and Family Services Agency.
2. For the purposes of the Child, Youth and Family Enhancement Act and this administrative procedure, a child means a person under the age of 18 years and includes a youth unless specifically stated otherwise.
3. For the purposes of the Child, Youth and Family Enhancement Act and this administrative procedure, intervention services means any services, including protective services, provided to a child or family under this Act. 4. Section 1 (2)(a)-(h) of the Child, Youth and Family Enhancement Act directs that a child is in need of intervention if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:
 - 3.1. The child has been abandoned or lost;
 - 3.2. The guardian of the child is dead and the child has no other guardian;
 - 3.3. The child is neglected by the guardian;
 - 3.4. The child has been or there is substantial risk the child will be physically injured or sexually abused by the guardian or the guardian is unable or unwilling to protect the child from physical injury or sexual abuse;
 - 3.5. The child has been emotionally injured by the guardian or the guardian of the child is unable or unwilling to protect the child from emotional injury;
 - 3.5.1. Emotional injury includes: exposure to domestic violence, mental health or emotional condition of the guardian of the child or of anyone living in the same residence as the child, and chronic alcohol or drug abuse by the guardian or anyone living in the same residence as the child.
 - 3.6. The guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment.
4. The Child, Youth and Family Enhancement Act states that the duty to report child intervention matters overrides any right of confidentiality a person may claim.

Procedures

5. Any employee who has reasonable and probable grounds to believe a child is in need of intervention, is legally required to report the matter directly to a caseworker at the appropriate Alberta Human Services or delegated First Nations Child and Family Services Agency.
6. An employee who suspects a child is in need of intervention shall seek advice as to whether or not the facts constitute reasonable and probable grounds for that belief. Advice may be obtained from the Principal, Support Services personnel, or a caseworker. When discussing the situation, the employee may, at his or her discretion, use the names of those involved.
7. If satisfied that there are reasonable and probable grounds to suspect a child is in need of intervention, the employee shall make a formal report to a caseworker at the appropriate Alberta Human Services or delegated First Nations Child and Family Services Agency.
8. An employee does not need specific permission from the Principal or Support Services personnel before making a report to a caseworker. Further, no Principal or Support Services personnel may direct a staff member not to report if the employee believes, based upon reasonable and probable grounds, that a child is in need of intervention.
9. The duty of an employee to report is not discharged until he/she has reported directly to a caseworker. This must occur even if it is known that a child intervention agency is already involved.

Recording and Reporting

10. A disclosure made by a child to school personnel must be recorded in the child's own words. The record should include the date, observed facts, such as the child's behaviour, actions, comments, physical marks and persons present at the time. School personnel, while continuing to provide support, are not to question or interview the child after receiving the initial disclosure from the child as this could interfere with the investigation.
 - 10.1. Employees shall not call the child's parent/guardian.
 - 10.2. Employees shall not make any promises of confidentiality to the child.
 - 10.3. If possible, the employee shall advise the Principal of the incident before contacting a caseworker. However, if this is not possible, school staff shall advise the Principal immediately afterwards. The Principal must be made aware of all reports to a caseworker in case the child's parent/guardian, the police or a Child Intervention Investigator contacts the Principal about the incident.
 - 10.4. If a child's parent or guardian, or their lawyer, contacts school staff with regard to the report of a child intervention matter, employees are to respond that they **“cannot confirm or deny whether any report was made, and they are legally bound not to discuss any aspect of child intervention matters.”** Even if staff knows that a report has been made, they are not allowed to discuss it with anyone but the proper authorities.

- 10.5. After reporting a child intervention matter to a caseworker, the employee will document the name of the caseworker and the date and time of the report.
11. The report referred to in this administrative procedure is to include the following information:
 - 11.1. The employee's name, telephone number and relationship to the child; this information remains confidential.
 - 11.2. Any immediate concerns about the child's safety.
 - 11.3. The location of the child, including the name of the school the child attends
 - 11.4. The child's name and age.
 - 11.5. Details of the child's disclosure or information related to the child being in need of intervention.
 - 11.6. Any other relevant information concerning the child and/or family.
12. Notes, reports or written observations of alleged abuse or neglect are to be kept in the confidential student record that is separate from the child's student record. The confidential student record shall be kept in a secure location and disclosed only to Police or caseworker during the investigation process.

Reference:

Child, Youth and Family Enhancement Act