

Policy:	Child Protection	PROG-305
Division:	Programs	
Approved:	January 16, 2016	
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ADMINISTRATIVE REGULATIONS

The regional Assistant Director of Education (Programs) or designate is responsible for the monitoring and implementation of the *Child Protection Policy*.

1. Making a Report Regarding a Child in Need of Protection

As per Section 11(1) of the [Children and Youth Care and Protection Act](#) (CYCPA), where a person has information that a child is or may be in need of protective intervention, the person must immediately report the information to a Children, Seniors and Social Development (CSSD) manager or social worker, or a peace officer. For the full Section 11 of the Act addressing “Duty to Report”, see **Appendix A**.

- 1.1 Where an individual has concerns about a child s/he must immediately contact the nearest CSSD office. For a list of CSSD offices and contact information, see **Appendix B**. For a definition of a child in need of protective intervention, see **Appendix C**. For the complete CSSD *Protection and In Care Policy and Procedure Manual* go to: <http://www.gov.nl.ca/cyfs/publications/index.html>
- 1.2 Informed persons making a report to CSSD must also notify the school administrator, as soon as the contact has been made. In exceptional circumstances, or where there may be a potential conflict of interest, the individual can contact the relevant Senior Education Officer instead of the school administrator.
 - a) **Appendix D: Child in Possible Need of Protective Intervention** must be completed and included in the confidential file.
- 1.3 Where there are concerns that a child may be in immediate danger, the individual must contact the local police authority and then contact CSSD.
- 1.4 The District will protect the confidentiality of the investigation and the identity of the person making the report against unauthorized disclosure, to the extent possible.

- 1.5 Where a school has ongoing concerns about the potential maltreatment of a child, the school is expected to continue reporting all known information to CSSD, as it comes to the attention of school staff, even if it has previously been reported.
 - a) Ongoing reports to CSSD, should be documented by the school administrator on Form (Appendix D).

2. Sharing Information with CSSD

- 2.1 The District will provide contact information for children/families when requested by CSSD social workers. When fielding such requests, school/district staff can take reasonable steps to confirm the identity of the requester. The request should normally be provided in writing. However, in more urgent circumstances, school/district staff may provide information without a written request, provided they are satisfied that they are dealing with a CSSD representative. Written requests may be submitted by email or faxed directly to a school or to the Director's Office at NLESD Headquarters.
- 2.2 Under Section 11(2) of the [CYCPA](#), when a person is making a report to CSSD, the person is required to report all the information of which he or she has knowledge. Whether an individual is making a report to CSSD, or CSSD has contacted the school as part of an investigation, school and district personnel will cooperate with CSSD staff and provide information that they are aware of that is relevant to the situation. This may include, for instance, observations by the individual and comments made to him/her by a child or by a parent/guardian.
- 2.3 While all information which may be relevant to the situation is to be shared with CSSD staff, the provision of copies of documents from a student record requires a warrant, court order or subpoena. School administrators should retain the order in the confidential file.

3. Interview of a Child at School

A CSSD social worker may request to interview a child at school, in accordance with Section 14 of the [CYCPA](#). As part of such an investigation, the worker may be accompanied by a police officer. School administrators and staff are expected to cooperate fully with such investigations and to arrange interviews as requested.

- 3.1 CSSD social workers should submit the request in writing on an "Interview of a Child" form (**see Appendix E**) and the identity of the child to be interviewed should be confirmed.
- 3.2 If the CSSD social worker is unknown to the school, the school administrator may request identification where necessary.

- 3.3 School administrators should not notify the parents/guardians of the interview. This is the responsibility of the social worker, and notification by the school administrator may interfere with a CSSD investigation.
- 3.4 If a parent/guardian contacts the school to express concern about his or her child being interviewed at school by a CSSD representative, the parent/guardian should be directed to CSSD to discuss the matter.

4. Allegations Against a District Employee

When investigating allegations or complaints regarding employee mistreatment of a student, the District will ensure that the safety of the student is the first consideration and take the necessary steps to protect the student, as well as other students in the classroom and school. It is essential that any allegation made against an employee is dealt with quickly, in a way that protects the student and/or class and affords the employee a fair and timely investigative process.

- 4.1 Where an individual has information that a district employee has potentially abused or otherwise mistreated a child, s/he must immediately report the concern to the Office of the Assistant Director of Education (Human Resources).
- 4.2 The Human Resources Division, in conjunction with the school administrator, will immediately commence an investigation. The school administrator/HR personnel will contact CYFS as required. Where potential criminal behaviour is alleged or suspected, HR personnel must ensure a report has been made to the relevant police authority. Depending on the circumstances, a police and/or CSSD investigation may be undertaken at the same time.
- 4.3 The parent/guardian of any child who has been potentially abused or otherwise been mistreated by an employee must be notified at the earliest possible opportunity that a district investigation is underway.
- 4.4 When the HR Division is investigating allegations or complaints regarding employee mistreatment of a child the employee may be removed from the workplace, pending the outcome of the investigation.
- 4.5 Where it is determined that an employee mistreated a child, s/he will be subject to discipline, up to and including termination of employment. Such discipline will be separate and apart from any criminal charges, convictions or penalties imposed.
- 4.6 Should the parent/guardian of a student make a complaint regarding an employee to CSSD or to the police, the District will cooperate fully with any subsequent investigation.

- 4.7 Where an allegation is received or is being investigated against a former or deceased employee, the District will proceed with an investigation to determine the merits of the allegation and to determine, to the extent possible, any students/former students potentially mistreated. The District will consult with legal counsel, the police and CSSD as necessary in investigating the allegations and will consider whether communications to school community or public are appropriate to aid in the investigation.

5. Inquiry or Investigation by the Child and Youth Advocate (Advocate)

The Office of the Child and Youth Advocate for the Province is an appointed oversight body that advocates for the rights and interests of children and youth and may gather information regarding the supports and services they receive. The Advocate has the powers to conduct inquiries and investigate matters affecting children and youth.

- 5.1 The Advocate may, from time to time, make inquiries of schools pertaining to individual students, or make inquiries of the District pertaining to matters of general interest. In accordance with the [Child and Youth Advocate Act](#), the District will cooperate with the Advocate and share information as requested.
- 5.2 The Advocate may also conduct an investigation. Where an investigation is underway, the Advocate may require the District to furnish information related to a matter being investigated and to produce documents and other items in the custody and control of the District. In such cases, notification of the investigation and the request for information are submitted in writing to the Director of Education for the District. The Director or designate will serve as liaison with the Advocate in the matter of an investigation and will coordinate the production of documents. A warrant, court order or subpoena is not required.

APPENDIX A

NL ENGLISH SCHOOL DISTRICT - GUIDELINES FOR SCHOOL ADMINISTRATORS:

1. Sharing of student personal information between **Children, Seniors and Social Development (CSSD)** and the **Newfoundland and Labrador English School District (District)**.
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As required by the Children and Youth Care and Protection Act (CYCPA), any individual who is aware of a child who may be potentially abused or neglected has a duty to make a report to CSSD.

DUTY TO REPORT

As per Section 11 of the CYCPA: Duty to report

11. (1) Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the information to a manager, social worker or a peace officer.
 - (2) Where a person makes a report under subsection (1), the person shall report all the information of which he or she has knowledge.
 - (3) Where a report is made to a peace officer under subsection (1), the peace officer shall, as soon as possible after receiving the report, inform a manager or social worker.
 - (4) This section applies, notwithstanding the provisions of another Act, to a person referred to in subsection (5) who, in the course of his or her professional duties, has information that a child is or may be in need of protective intervention.
 - (5) Subsection (4) applies to every person who performs professional or official duties with respect to a child, including
 - (a) a health care professional;
 - (b) a teacher, educational psychologist, guidance counsellor, school principal, social worker, family counsellor, member of the clergy or religious leader, operator or employee of a child care service, a youth worker and a recreation worker;
 - (c) a peace officer; and
 - (d) a solicitor.
 - (6) This section applies notwithstanding that the information is confidential or privileged, and an action does not lie against the informant unless the making of the report is done maliciously or without reasonable cause.

(7) A person shall not interfere with or harass a person who gives information under this section.

(8) A person who contravenes this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding six (6) months, or to both a fine and imprisonment.

(9) Notwithstanding section 7 of the *Provincial Offences Act*, an information or complaint under this section may be laid or made within 3 years from the day when the matter of the information or complaint arose.

It is the legal duty of anyone who has concerns that a child is being or may be mistreated to contact CSSD or police who will assess the report and, if appropriate, conduct an investigation. *The reporter need not be certain, but believes a child has been or is likely to be at risk, based on what was seen or information received. It is the role of CSSD authorities to determine whether abuse or neglect has occurred or is likely to occur.* If a child is in immediate danger, or if information indicates that a crime has been or is about to be committed which places the child at risk, call police and then make a report to CSSD.

The CYCPA defines a “child” as a person actually or apparently under the age of 16 years.

Sharing of Information with CSSD

When CSSD is conducting an investigation into potential mistreatment of a child, whether or not the investigation has been initiated by a report from a school district staff person or volunteer, the District will cooperate fully to ensure the safety and well-being of the child and to support a child potentially in need of protective intervention.

- The District will provide contact information for families/children as necessary to assist with an investigation, either through the school or through the Director’s Office.
- A social worker may request information from the school which may be of help in the investigation, including personal observations of school staff. A social worker may inquire about matters such as whether the child has been coming to school late or been absent from school frequently, general school performance, or about any behavioural difficulties.
- Depending on the circumstances, CSSD may not share any information with school staff regarding the outcome of an investigation or the Department’s role in working with a family, or to the extent of any involvement.

Order to Produce Records

Section 17 of the CYCPA permits the manager or a social worker to apply to court for an order directing that a person “produce information that is written, photographed, recorded or stored” for inspection by the manager or a social worker.

Order to produce record

- (1) Where a manager or social worker files an application with the court, a judge may order a person to produce information that is written, photographed, recorded or stored by other means for inspection by the manager or social worker where
 - (a) there are reasonable grounds to believe that the information is necessary for determining whether a child is in need of protective intervention;
 - (b) there are reasonable grounds to believe that the person has possession or control of the information; and
 - (c) the person has neglected or refused, upon request of the manager or social worker, to produce the information.
- (2) Not later than two (2) days before the date set for hearing an application under subsection (1), notice of the date, time and place of the hearing shall be served on the person against whom the order is sought.
- (3) Notwithstanding subsection (2), where a manager or social worker believes on reasonable grounds that the information may be destroyed if notice is given, application may be made under subsection (1) without notice.

School administrators and other school staff are expected to cooperate with a CSSD investigation and to share information appropriate to the situation and relevant to the investigation.

If copies of documents from a student record are requested by CSSD, the copies will be released upon the provision of a warrant, court order or subpoena as per Section 17 of the CYCPA and in accordance with Section 12 of the *Schools Act, 1997*. School administrators can consult with the Director of Education or his/her designate (Senior Administrative Officer for Corporate Services) as necessary before copies are provided to CSSD.

INTERVIEW OF A STUDENT AT SCHOOL BY A CSSD SOCIAL WORKER

A CSSD social worker may request to interview a child at your school. Please note that this request is being made in accordance with Section 14 of the *Children and Youth Care and Protection Act (2010)*.

Interview of a child

14. (1) A person, who has custody of or who is entrusted with the care of a child who is the subject of an investigation under this Act, shall, when requested to do so by a manager or a social worker,

- (a) identify the child; and

(b) permit the child to be visited, observed and interviewed by a manager or social worker, in private where in the opinion of the manager or social worker it is appropriate, at a place where the child is located.

(2) A manager or social worker shall notify the parent of the interview.

School administrators should cooperate with CSSD social workers requesting permission to interview a child at school.

The social worker should provide an *Interview of a Child* form or other form of written notice to the school.

School administrators should not notify the parent(s) regarding the interview; this is the responsibility of the social worker as per 14(2) above, and notification by the school administrator may interfere with a CSSD investigation.

Where the worker is unknown to the school, s/he should provide identification, and information about the student that they wish to interview should be confirmed.

2. Sharing of student personal information between the **Child and Youth Advocate (the Advocate) and the District.**

The following guidelines for the sharing of student personal information between the Advocate and the District will hopefully help to clarify your school's role in specific situations.

The Child and Youth Advocate for the Province is an appointed oversight body with the powers to investigate matters affecting children and to advocate for children's rights.

The Advocate may conduct an inquiry or investigation and request information from a school about a student/student record.

Section 21 of *An Act Respecting the Child and Youth Advocate* states:

- 21.** (1) The Advocate may require a person who, in his or her opinion, is able to give information relating to a matter being investigated by him or her
- (a) to furnish the information to him or her; and
 - (b) to produce a document, paper or thing that in his or her opinion relates to the matter being investigated and that may be in the possession or under the control of the person, whether or not the person is an officer, employee or member of a department or an agency of the government and whether or not the document, paper or thing is in the custody or under the control of the department or agency of the government.

- (1.2) The Advocate may summon before him or her and examine on oath or affirmation a person who in the opinion of the advocate is able to give information relating to a matter being investigated by him or her.
- (1.3) The Advocate has the right to information respecting children and youth except
- (a) information that could reasonably be expected to reveal the identity of a person who has made a report under section 11 of the Child, Youth and Family Services Act; and
 - (b) information that is not permitted to be made public by section 26 of the *Adoption of Children Act*.
- (2) A person who has custody or control of information to which the Advocate is entitled under subsection (1) shall disclose the information to the advocate.
- (3) This section applies despite another act or a claim of privilege, except a claim based on a solicitor-client relationship.

If a school administrator receives a request from the Advocate for information, the administrator or other staff person can provide information pertaining to an individual student. Where there are any concerns or questions, the school administrator can consult as necessary with the Senior Education Officer (Student Support Services) or the Director of Education or designate prior to information being provided.

Where the Advocate is conducting a formal investigation into a matter, the Director of Education will be informed in writing and the letter may include a request to furnish documents (e.g. records, correspondence). The Director or designate will serve as liaison with the Advocate and coordinate the production of documents. A court order, subpoena or warrant is not required.

There may also be times when district staff may determine the need to report concerns to the Advocate, and the District is also working with the Department of Education and Early Childhood Development and the Advocate's Office to ensure specific matters of concern are reported to the Advocate as required.

We hope that this helps to clarify information-sharing between our schools, the District, and Children, Seniors and Social Development as well as the role and responsibilities of the Child and Youth Advocate and information-sharing with the Advocate. Please contact the Senior Administrative Officer (Corporate Services) if you have any questions or concerns.

Appendix B

Department of Children, Seniors and Social Development

Reporting Child Abuse

To report child abuse call your local Children, Seniors and Social Development office or contact your local police:

Metro

Daytime: 8:30 a.m. – 4:30 p.m.

- (709) 729-4612

After Hours:

- (709) 729-4775

Central

Daytime: 8:30 a.m. – 4:30 p.m.

Botwood	(709) 257-4911
Conne River	(709) 882-5105
Gambo/Musgrave Harbour	(709) 674-5373
Grand Falls-Windsor	(709) 292-1210
Harbour Breton	(709) 885-3053
Lewisporte	(709) 535-2852
St. Alban's	(709) 538-3819
Twillingate	(709) 884-1372

After Hours telephone number for the communities listed above: (709) 292-2500

Gambo/Musgrave Harbour	(709) 674-5373
Gander	(709) 651-1170

After Hours telephone number for the communities listed above: (709) 256-2500

Bay Roberts	(709) 786-5224
Bonavista	(709) 468-1000
Clarenville	(709) 466-5776
Harbour Grace	(709) 945-6545
Holyrood/New Harbour	(709) 229-1551
Marystown	(709) 279-7900
Placentia	(709) 227-0130
Whitbourne	(709) 759-3340

After Hours telephone number for the communities listed above: (709) 759-3369

Western

Daytime: 8:30 a.m. – 4:30 p.m.

Baie Verte	(709) 532-4766
Bonne Bay	(709) 453-2135
Burgeo	(709) 886-2297
Corner Brook	(709) 637-2686
Deer Lake	(709) 635-7841
Piccadilly	(709) 642-5234
Port aux Basques	(709) 695-2120
Port Saunders	(709) 861-3978
Roddickton	(709) 457-3009
Springdale	(709) 673-4714
St. Anthony	(709) 454-2448
Stephenville	(709) 643-8601
Stephenville Crossing	(709) 646-3101

After Hours telephone number for all Western communities: 1-877-436-9231.

Labrador Region

Daytime: 8:30 a.m. – 4:30 p.m.

Cartwright	(709) 938-7413
Forteau	(709) 931-3301
Happy Valley Goose Bay	(709) 896-2494
Hopedale	(709) 933-3389
Makkovik	(709) 923-2129
Nain	(709) 922-2858
Natuashish	(709) 478-8965
Rigolet	(709) 947-3519
Sheshatshiu	(709) 497-8555
Wabush	(709) 282-3951

After Hours telephone number for Happy Valley-Goose Bay and Sheshatshiu: (709) 897-2000; and all other Labrador communities listed above should contact their local police detachments.

APPENDIX C

Children and Youth Care and Protection Act (Excerpt)

PART III PROTECTIVE INTERVENTION

Definition of child in need of protective intervention

- 10.** (1) A child is in need of protective intervention where the child
- (a) is being, or is at risk of being, physically harmed by the action or lack of appropriate action by the child's parent;
 - (b) is being, or is at risk of being, sexually abused or exploited by the child's parent;
 - (c) is being, or is at risk of being, emotionally harmed by the parent's conduct and there are reasonable grounds to believe that the emotional harm suffered by the child, or that may be suffered by the child, results from the actions, failure to act or pattern of neglect on the part of the child's parent;
 - (d) is being, or is at risk of being, physically harmed by a person and the child's parent does not protect the child;
 - (e) is being, or is at risk of being, sexually abused or exploited by a person and the child's parent does not protect the child;
 - (f) is being, or is at risk of being, emotionally harmed by a person and the child's parent does not protect the child;
 - (g) is in the custody of a parent who refuses or fails to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment to be given to the child when recommended by a qualified health practitioner;
 - (h) is abandoned;
 - (i) has no living parent and no adequate provision has been made for the child's care;
 - (j) has no parent available to care for the child and the parent has not made adequate provision for the child's care;
 - (k) has no parent able or willing to care for the child;
 - (l) is living in a situation where there is violence or is living in a situation where there is a risk of violence;
 - (m) is living with a parent whose actions show a propensity to violence or who has allegedly killed or seriously injured another person;
 - (n) has been left without adequate supervision appropriate to the child's developmental level; or
 - (o) is actually or apparently under 12 years of age and has

- (i) allegedly killed or seriously injured another person or has caused serious damage to another person's property, or
- (ii) on more than one occasion caused injury to another person or other living thing or threatened, either with or without weapons, to cause injury to another person or other living thing, either with the parent's encouragement or because the parent does not respond adequately to the situation.

(2) For the purposes of paragraphs (1)(c) and (f), the indicators of emotional harm exhibited or demonstrated by a child may include

- (a) depression;
- (b) significant anxiety;
- (c) significant withdrawal;
- (d) self-destructive behaviour;
- (e) aggressive behaviour; or
- (f) delayed development.

(3) For the purposes of paragraph (1)(c), parental conduct or living situations that may lead to emotional harm or risk of emotional harm to the child may include

- (a) rejection;
- (b) social deprivation;
- (c) deprivation of affection;
- (d) deprivation of cognitive stimulation;
- (e) subjecting the child to inappropriate criticism, threats, humiliation, accusations or expectations;
- (f) living in a situation where the mental or emotional health of a parent is negatively affecting the child;
- (g) living in a situation where a parent is an abuser of alcohol or drugs; or
- (h) living in a situation where there is violence.