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| Policy: | Protection of Children and Youth | PROG-305 |
| Division: | Programs | |
| Approved: | January 16, 2016 | |
| Amended: | (Regulations) August 19, 2016; April 30, 2018; September 7, 2019 | |

ADMINISTRATIVE REGULATIONS

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

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

As per Section 11(1) of the **Children, Youth and Families Act** (CYFA), where a person has information that a child or youth 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 or youth 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:
https://www.cssd.gov.nl.ca/publications/pdf/childcare/protection_care_policy_manual.pdf

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 Director of Schools instead of the school administrator.

a) **Appendix D: Child or Youth in Possible Need of Protective Intervention** must be completed and included in the Confidential File.

1.3 Where there are concerns that a child or youth 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 or youth, 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/youth/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 District Headquarters.
- 2.2 Under Section 11(2) of the **CYFA**, 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 youth or by a parent/ guardian.
- 2.3 While all information which may be relevant to the situation is to be shared with CSSD staff, absent consent in accordance with the **Schools Act, 1997, the provision of copies of documents from a student record requires a warrant or court order**. 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 **CYFA**. 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, and make every effort to protect the privacy of the child. A CSSD social worker may also request to interview a youth at school. This request should be accommodated in the same manner.

- 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 student s/he must immediately report the concern to the Office of the Associate Director (Programs and 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 CSSD where 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 student 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 student, 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 the school community or the 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)**.

As required by the Children, Youth and Families Act (CYFA), 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 CYFA: Duty to report

Duty to report

11. (1) Where a person has information that a child or youth is or may be in need of protective intervention, the person shall immediately report the information to a manager, social worker or peace officer.

(2) For the purposes of this section, a youth is in need of protective intervention if the youth meets one or more of the criteria set out in section 10.

(3) Where a person makes a report under subsection (1), the person shall report all the information of which he or she has knowledge.

(4) 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.

(5) This section applies, notwithstanding the provisions of another Act, to a person referred to in subsection (6) who, in the course of his or her professional duties, has information that a child or youth is or may be in need of protective intervention.

(6) Subsection (5) applies to every person who performs professional or official duties with respect to a child or youth, 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, persons involved in operating or providing a child care service or agency, a youth worker and a recreation worker;

(c) a peace officer; and

(d) a solicitor.

(7) 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.

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

(9) 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 6 months, or to both a fine and imprisonment.

(10) 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 or youth 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 or youth 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 or youth is in immediate danger, or if information indicates that a crime has been or is about to be committed which places the child or youth at risk, call police and then make a report to CSSD.

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

The CYFA defines a “youth” as a person who is at least 16 years of age but under 18 years of age.

The duty to report now covers a child and youth.

Sharing of Information with CSSD

When CSSD is conducting an investigation into potential mistreatment of a child or youth, 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 or youth 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 CYFA permits the manager or a social worker to apply to court for an order directing that persons "produce information that is written, photographed, recorded or stored" for inspection by the manager or a social worker.

Order to produce record

17. (1) Where a manager or social worker files an application with the court, a judge may order a person or public body to produce information that is written, photographed, recorded or stored by other means for inspection by the manager or social worker where

- (a) the requirements of paragraphs 96(1)(a) and (b) are met or there are reasonable grounds to believe that the information is necessary for determining whether a child is or remains in need of protective intervention;
- (b) there are reasonable grounds to believe that the person or public body has possession or control of the information; and
- (c) the person or public body has neglected or refused, upon request of the manager or social worker, to produce the information.

(2) Not later than 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 or public body 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 or court order as per Section 17 of the CYFA and in accordance with Section 12 of the **Schools Act, 1997**. School administrators can consult with the Director of Education or his/her designate (ATIPP Co-ordinator) 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, Youth and Families Act (2018)**.

Interview of a child

14. (1) Where a person has custody, care or supervision of a child and that child is the subject of an investigation under this Act or has been determined to be in need of protective intervention, that person shall when requested 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, before or after an interview under subsection (1), 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 Families 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 Director of Student 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 **ATIPP Co-ordinator** 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 your local police:

Metro

Daytime: 8:30 a.m. – 4:30 p.m.
 (709) 729-4612

After Hours:
 (709) 729-4775

Central - West

Daytime: 8:30 a.m. – 4:30 p.m.

After Hours & Weekends

| | | |
|----------------------------|---------------------|----------------|
| Conception Bay South (CBS) | (709) 834-6101 | (709) 729-4775 |
| Botwood | (709) 257-4911 | (709) 292-2500 |
| Grand Falls-Windsor | (709) 292-1210 | (709) 292-2500 |
| Lewisporte | (709) 535-2852 | (709) 292-2500 |
| Summerford | (709) 629-3164 | (709) 292-2500 |
| Conne River | (709) 882-5105 | (709) 256-2500 |
| Musgrave Harbour | (709) 655-2788 | (709) 256-2500 |
| Gander | (709) 651-1170 | (709) 256-2500 |
| Harbour Breton | (709) 885-3053 | (709) 256-2500 |
| St. Alban's | (709) 538-3819 | (709) 256-2500 |
| Bay Roberts | (709) 786-5224 | (709) 759-3369 |
| Bonavista | (709) 468-1000 | (709) 759-3369 |
| Clarenville | (709) 466-5776 | (709) 759-3369 |
| Harbour Grace | (709) 945-6512/3149 | (709) 759-3369 |
| Holyrood | (709) 229-1551 | (709) 759-3369 |
| Marystown | (709) 279-7900 | (709) 759-3369 |
| Placentia | (709) 227-0130 | (709) 759-3369 |
| Whitbourne | (709) 759-3340 | (709) 759-3369 |
| Baie Verte | (709) 532-4766 | (709) 637-2686 |
| Corner Brook | (709) 637-2686 | (709) 637-2686 |
| Deer Lake | (709) 635-7841 | (709) 637-2686 |
| Port aux Basques | (709) 695-2120 | (709) 637-2686 |
| Roddickton | (709) 457-3303 | (709) 637-2686 |
| Springdale | (709) 673-4714 | (709) 637-2686 |
| St. Anthony | (709) 454-2448 | (709) 637-2686 |
| Stephenville | (709) 643-8601 | (709) 637-2686 |

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) 478-2050 |
| Rigolet | (709) 947-3519 |
| Sheshatshiu | (709) 497-8555 |
| Wabush | (709) 282-3951 |

After Hours & Weekends

| |
|----------------------------|
| Local Police: 709-944-7602 |
| Local Police: 709-944-7602 |
| (709) 897-2000 |
| Contact Local Police |
| (709) 897-2000 |
| Contact Local Police |

APPENDIX C

Children, Youth and Families 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 a parent who exercises access whose actions show a propensity to violence or who has allegedly killed or seriously injured another person;
- (o) has been left without adequate supervision appropriate to the child's developmental level; or
- (p) 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.

Duty to report

11. (1) Where a person has information that a child or youth is or may be in need of protective intervention, the person shall immediately report the information to a manager, social worker or peace officer.

(2) For the purposes of this section, a youth is in need of protective intervention if the youth meets one or more of the criteria set out in section 10.

APPENDIX D

| Child or Youth in Possible Need of Protective Intervention* | | | | |
|--|---|--|---|-------------|
| Child's Name | | <div style="display: flex; justify-content: space-between; padding: 5px;"> First Middle Last </div> | | |
| Date of Birth | | <div style="display: flex; justify-content: space-between; padding: 5px;"> Day Month Year </div> | | |
| Date of Contact D/M/Y | Type of Contact (e.g., email, phone call) | Name of CSSD Worker who was contacted | Principal Name (print) and Signature | Date Signed |
| | | | | |
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***To be completed by school administrator or designate regarding school report to CSSD and be placed in the Confidential Student File.**

NLESD/September 7, 2019