



City of St. John's Corporate and Operational Policy

Policy: 09-08-01 Reporting of Suspected Child Abuse

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Index: 09 Community Service

Section: 08 Abuse

Title: 01 Reporting of Suspected Child Abuse

Purpose

General Statement:

Whereas, according to the Child, Youth & Family Services Act, Section 14, 1999:

Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the matter to a director, social worker, or a peace officer."

The St. John's Department of Recreation, further referred to as ' the Department' shall endeavor to provide a safe environment for participants and staff.

The Department of Human Resources shall use a standardized screening process for each person to be hired into positions where they have direct contact with children.

Policy Statement

Staff Recruitment

1. For consideration of employment in areas where the employee has direct contact with children, the Department of Human Resources shall require the following information from each applicant:

- (I): Three references, including two previous employers, if feasible, and personal references.
- (ii): If offered a position with the Department, applicants will be required to submit a Certificate of Conduct from the Royal Newfoundland Constabulary.

1. The Department of Human Resources shall contact the references and complete the Reference Check List of all apparently successful applications before a final decision to hire is made.
2. The completed Reference Check List shall be classified as confidential and will be filed appropriately at the Department of Human Resources.

DEPARTMENT RESPONSIBILITY TO PARTICIPANTS:

1. The Department shall provide supervision during all program activities.
2. The Department shall maintain routine checks of the washroom, locker rooms, showers, and other facilities during program times.

DEPARTMENTAL RESPONSIBILITY TO STAFF:

1. The Department shall provide Child Abuse Awareness / Children's Issues training for all Department of Recreation staff.
2. The Department shall provide guidelines for appropriate behavior when working with children.
3. The Department shall provide each staff member / volunteer with an identification badge / tag / uniform which must be visible during work hours.
4. The Department will ensure that there is at least one Support Person available or on call, during all program times.
5. The Support Person will guide the staff member in completing the Suspected Child Abuse Incident form and in notifying the authorities.
6. The Support Person shall provide emotional support for any staff member who may be involved with the reporting of suspected child abuse and refer them to the City of St. John's Employee Assistance Program or an appropriate agency for professional guidance, if necessary. Support shall also be provided to a staff member who is suspected of child abuse.
7. The Support Person shall, when appropriate, inform the staff of any progress in

an investigation by the authorities.

8. The intake worker with the Children's Protection Services will be available to assist staff when there are questions or concerns.

9. The Department shall remove any staff member from direct involvement with children if an allegation of child abuse has been made against that staff member.

10. A staff member who has been charged with child abuse may be immediately suspended until such time as the allegation is proven false. Any decisions regarding suspension shall be made in consultation with the Department of Human Resources and the Legal Department.

STAFF RESPONSIBILITY

1. Staff members shall inform all registered participants as to the significance of the identification badge / tag / uniform.

2. The staff member shall never undertake to investigate a situation themselves, nor shall they approach any of the parties involved.

3. The staff member shall never inform the parent, guardian or any family member of the child, that the child has made a disclosure and that child abuse is suspected.

4. Staff members shall not discipline participants by means of physical punishment or by failing to provide the necessities of care. Staff shall not be verbally or emotionally abusive to participants.

5. Staff have a legal responsibility to report any incidents of suspected abuse.

6. Staff must report any disclosure or suspicion which implicate another staff person in an abusive situation with a child. The same reporting procedures must be followed.

TRAINING

1. The Department shall provide Child Abuse Awareness / Children's Issues training to all Department of Recreation staff, including managers, supervisors and volunteers. This training program shall include the distribution of all relevant departmental policies and procedures pertaining to child abuse, legal requirements, and the necessity of discretion in reporting abuse.

2. The Training and Development Officer with the Department of Human Resources will be provided with a list of times of training, employees to be trained, and copies of all relevant training information.

3. All employees shall sign a form to confirm attendance of each session. A copy

of this form will be forwarded to the Training and Development Officer with the Department of Human Resources.

4. The Department of Recreation will evaluate the effectiveness of the Child Abuse Awareness / Children's Issues training on an annual basis.

DEFINITIONS

Child Abuse

Occurs when a parent / guardian / care giver mistreats or neglects a child, resulting in: injury; significant emotional or psychological harm; or serious risk of harm to the child.

Child abuse entails the betrayal of a caregiver's position of trust and authority over a child. (Health Canada, 1997)

Legal Definition of "Child"

A child is a person actually or apparently under the age of 16 years.

Legal Definition of "Youth"

A youth is a person who is 16 years of age or over, but under 18 years of age.

"Parent of a Child" means

The custodial mother of a child; the custodial father of a child; a custodial step-parent; a non-custodial parent who regularly exercises or attempts to exercise rights of access; a person whom custody of a child has been granted by a written agreement or by a judge; or a person with whom a child resides, except a caregiver.

Disclosure

1. The act or an instance of exposure
2. Something being revealed by another person.

Support Person

The support person is the Specialist who is responsible for the program in which you are involved. The Support Person is the person that staff reports to if child abuse is suspected or a child discloses information/instances of abuse. Note: All Specialists and Management are considered Support People.

S.A. Report

The Suspected Child Abuse Incident Report (S.A. Report) is the form which you are required to use to document all the information which is disclosed to you. The Report should be completed once you meet with the Support Person.

LEGISLATION

Child, Youth & Family Services Act, 1999 - Section 14

“A child is in need of protective intervention where the child

- a. Is, or is at risk of being, physically harmed by the action or lack of appropriate action by the child’s parent;
- b. Is, or is at risk of being, sexually abused or exploited by the child’s parent;
 - Is emotionally harmed by the parent’s conduct;
 - Is, or is at risk of being, physically harmed by a person and the child’s parent does not protect the child;
 - Is, or is at risk of being, sexually abused or exploited by a person and the child’s parent does not protect the child;
 - Is being emotionally harmed by a person and the child’s parent does not protect the child;
 - 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
 - Is abandoned;
 - Has no living parent or a parent is unavailable to care for the child and has not made adequate provision for the child’s care;
 - Is living in a situation where there is violence; or
 - Is actually or apparently under 12 years of age and has
 - (I) been left without adequate supervision
 - (II) allegedly killed or seriously injured another person or has caused serious damage to another person’s property, or
 - (III) 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.”

Child, Youth & Family Services Act, 1999 - Section 15

1. Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the matter to a director, social worker, or a peace officer.
2. Where a person makes a report under subsection (1), the person shall report all the information in his or her possession.
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 director of 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 reasonable grounds to suspect 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, school principal, social worker, family counsellor, member of the clergy or religious leader, operator or employee of a child care service and a youth and 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 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.

REPORTING PROCEDURE FOR SUSPECTED CHILD ABUSE

It is the responsibility of all employees with the City of St. John's to be aware of the following information on identifying, reporting and handling of a disclosure of child abuse. It is the legal responsibility of the individual to directly report a disclosure or suspected abuse to the authorities. However, a SUPPORT PERSON has been put in place to assist Department of Recreation summer staff or any staff in the reporting procedures and in dealing with the emotional trauma.

< The Child, Youth and Family Services Act applies to the protection of the child/youth (regardless of race, colour, religion or disability) under 18 years of age.

< The staff person who receives a disclosure has the responsibility to report it immediately (as soon as possible within 24 hours) to the authorities.

< The staff person should be aware of certain behaviour patterns or physical signs which may indicate abuse.

< The staff person who receives a disclosure from a person 18 years of age and over is not legally responsible to report but may support that person when

reporting to the Royal Newfoundland Constabulary.

< The staff member shall follow the proper reporting procedures to ensure the confidentiality and safety of the child.

The procedures for reporting suspected child abuse is included in the Department of Recreation's Child Abuse Awareness / Children's Issues Procedures Manual. The policy, procedures of suspected child abuse and other related children's issues will be included in this manual and shall be discussed in the training for Department staff. A copy may be obtained from contacting management personnel within the Department of Recreation. A copy of such manual will also be forwarded to the Training and Development Officer with the Department of Human Resources.

Note: This policy will be revised as deemed necessary by changes in Provincial Legislation.

Application

Responsibilities

Department of Recreation, Department of Human resources, all employees.

Definitions

References/Appendix

Monitoring and Contravention

Approvals

Regular Meeting of Council May 27, 1996; Parks and Recreation Standing Committee report, January 19, 2000; Regular Meeting of Council January 24, 2000.

Review Period

Available to Public

- ☐ Yes
- ☐ No

