



POLICY: JHF  
SUBJECT: REPORTING CHILDREN  
IN NEED OF PROTECTION  
APPROVAL DATE: April 24, 1990  
REVISION DATE: October 4, 2004, December 2, 2024  
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## 1. GUIDING PRINCIPLES

- 1.1 The Winnipeg School Division (WSD) recognizes that it is everyone's legal obligation to protect children. The responsibility involves identifying and reporting a child who is or might be in need of protection.
- 1.2 The Child and Family Services (CFS) 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;
    - who is unable or unwilling to provide adequate care, supervision or control of the child; or
    - whose conduct endangers or might endanger the life, health or emotional well-being of the child; or
    - 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;
  - 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 subjected 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 Adoptions Act* or of a sale under section 84.
- 1.3 In addition to referring abuse concerns to a CFS agency, it may be necessary for the child's immediate safety to report the concerns to the parent(s) or guardian(s). School staff should not discuss the referral to CFS with the child's parent(s) or guardian(s) if:
- a) the alleged offender is a family member;
  - b) the alleged offender has a significant relationship with the child's parent(s) or guardian(s);
  - c) the identity of the offender is unknown;
  - d) there is a suspicion that the non-offending caregiver will not support or protect the child.

## 2. DEFINITIONS

- 2.1 Abuse means an act or omission of any person, where the act or omission results in:
- a) physical injury to the child;
  - b) emotional disability of a permanent nature, in the child or is likely to result in such a disability; or
  - c) sexual exploitation of the child with or without the child's consent.
- 2.2 Staff refers to all employees and volunteers within the school setting (ex: Teachers, Educational Assistants, Volunteers, Guidance Counsellors, Principals, Caretakers, Nurses, Bus Drivers, Librarians, Speech Therapists and Coaches).
- 2.3 Child neglect is the failure of a child's primary caregiver to provide adequate food, clothing, shelter, supervision and/or medical care. Child neglect is an act of omission by a parent/guardian, resulting in (or likely to result in) harm or risk of harm to a child.



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### 3. DISCLOSURE OF CHILD ABUSE

- 3.1 Where a disclosure of abuse is being made to a staff member, documentation must be done as soon as possible after a disclosure or observation of abuse indicators. Documentation of a report being made should be noted in the confidential portion of the student's file. Key information to document is:
- a) Date and time of entry;
  - b) Name of school;
  - c) Full name, age, gender, and address of the child and parent(s)/guardian(s);
  - d) Your relationship to the child;
  - e) Any immediate concerns about the child's safety and the time of day the child's parent or guardian is expected to pick the child up from school;
  - f) A description of the type of suspected abuse. Also, record how the child looks and other indicators of abuse or neglect that you have observed. If applicable, include a description of the length, size, color, form and location of any physical injury that may be observed. Drawing may be useful to pinpoint the area, size and colour of injuries;
  - g) Date and time of the disclosure, as well as any direct quotes of the disclosure (if applicable);
  - h) A description of the family, including names and ages of other children in the family;
  - i) Visits and telephone calls to the unit/area by the parent(s)/guardian(s).
- 3.2 In accordance with the Child and Family Services (CFS) Act Section 18(1) Subsection (1.1), where a person has information that leads the person reasonably to believe that a child is or might be in need of protection as provided in section 17, the person shall forthwith report the information to an agency or to a parent or guardian of the child. No action lies against a person for providing information in good faith and in compliance with section 18.
- 3.3 If the disclosure or suspicion involves a student, WSD employee or other adult having access to children in the school, the principal must inform the Assistant Superintendent immediately.
- 3.4 No person shall, except as required in the course of a judicial proceeding, disclose to the family of a child reported to be in need of protection the identity of the informant under CFS Act section 18 without the written consent of the informant.
- 3.5 No employees shall in any way restrict, inhibit, or discipline other staff persons from reporting a child in need of protection.

### 4. REPORT SUSPECTED CHILD ABUSE

- 4.1 All staff are legally required to report any concerns where they believe a child may not be safe. This also applies if information is obtained through a professional, confidential relationship.

### 5. INTERVIEWS AT SCHOOL

- 5.1 In an ongoing investigation, the CFS worker may wish to meet with the child on several occasions at the school. If a parent/guardian has requested that their child not be interviewed by an outside agency, the school must inform the CFS worker. The decision to proceed with such an interview is then the responsibility of the CFS worker.
- 5.2 If CFS has interviewed a child at school, the agency has the responsibility to inform the child's parents/guardian before the child arrives home from school.



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## 6. ROLES AND RESPONSIBILITIES

### 6.1 Superintendent/Chief Executive Officer

The Superintendent/Chief Executive Officer or designate, at the beginning of each and every school year, shall inform all staff members of:

- a) their obligation to report a child in need of protection as set out in the Child and Family Services Act;
- b) the procedures for reporting actual or suspected cases of child abuse;
- c) the provisions of the Child and Family Services Act providing protection to those individuals who provide information regarding child abuse;
- d) the Manitoba Guidelines on Identifying and Reporting a Child in the Need of Protection (August 2001).

Names of suspected child abuse victims or offenders (or specific information) cannot legally be discussed at staff or board meetings. However, the Board may be informed that a child abuse report has been made.

### 6.2 Assistant Superintendent

Under subsection 41(1)(t) of *The Public Schools Act*, the Assistant Superintendent is required to report to the Minister of Education and Training any teacher or school clinician who has been charged or convicted of an offence under the *Criminal Code* relating to the physical or sexual abuse of children.

### 6.3 Staff

All staff who have reasonable cause to believe that a child is in need of protection shall report the information to an agency or to a parent/guardian in accordance with the Child and Family Services Act and the Manitoba Guidelines on Identifying and Reporting a Child in Need of Protection.

When a report is made to a CFS agency, staff shall not contact the child's family, the suspected perpetrator or any other person to inform or to investigate further the cause or circumstances of the suspected abuse/neglect. This is the role and responsibility of the police or CFS agency. The responsibility for investigation and follow-up lies with the CFS agency and/or police.