

**LEGAL DUTY TO REPORT SUSPECTED CHILD ABUSE
AND NEGLECT**

AP 9

INTENT

This policy and procedure will guide employees in their legal duty to report suspected child abuse and neglect. All members in the community have a responsibility to report under the *Child, Family and Community Service Act*. Employees are often in a unique position of being one of a few service providers that may be working with a particularly vulnerable child and family.

POLICY

Everyone who has reason to believe that a child has been or is likely to be physically harmed, sexually abused or sexually exploited or needs protection due the specific circumstances outlined in the *Child, Family and Community Service Act*, is legally responsible under the Act to report the matter to a child protection social worker. In British Columbia, a child is anyone under the age of 19 years of age.

DEFINING CHILD ABUSE AND NEGLECT

PHYSICAL ABUSE

This is a deliberate, non-accidental physical assault or action by an adult or significantly older or more powerful child that results or is likely to result in physical harm to a child. It includes the use of unreasonable force to discipline a child or to prevent a child from harming him/herself or others. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull and, in its most extreme form, the death of a child. Physical assault is a crime and it may also be necessary to report an assault to the police.

SEXUAL ABUSE

Sexual abuse generally means any sexual use of a child by an adult or a significantly older or more powerful child. There are many criminal offences related to sexual activity involving children.

EMOTIONAL ABUSE

Emotional abuse is the most difficult type of abuse to define and recognize. It may range from habitual humiliation of the child to withholding life-sustaining nurturing. It can include acts or omissions by those responsible for the care of a child or others in contact with a child that are likely to have serious, negative, emotional impacts. Emotional abuse may occur separately form on along other forms of abuse and neglect. Emotional abuse can include a pattern of:

- Scapegoating
- Rejection
- Verbal attacks on the child
- Threats
- Insults

- Humiliation
- Witnessing domestic violence
- Witnessing or experiencing trauma

EMOTIONAL HARM

When emotional abuse is persistent and chronic, it can result in emotional damage to the child. Children who are emotionally harmed may demonstrate severe:

- Anxiety
- Depression
- Withdrawal
- Self-destructive or aggressive behaviour

NEGLECT

Neglect involves an act of omission on the part of the parent or guardian that results or is likely to result in physical harm to the child. It generally refers to a situation in which a child has been, or is likely to be, physically harmed through the action or inaction by those responsible for care of the child. This may include failure to provide food, shelter, basic health care or supervision or safety that has resulted in harm or is likely to result in harm. Often this is not intentional but the neglect may be the result of insufficient resources or other circumstances beyond a person's control.

DUTY TO REPORT

The duty to report applies to everyone, including service providers, family members and the general public. Anyone who is aware of the circumstances should report the concern.

- It does not matter if you believe someone else is reporting the concern you still must report.
- It does not matter if you are aware that a social worker is already involved. All new incidents must be reported.
- The legal duty to report overrides any duty of confidentiality.
- Time is of the essence in ensuring the safety and well-being of children. Report immediately.
- If you have reason to believe that a child has been or is likely to be abused or neglected, then the responsibility for making a report to the Ministry of Children and Family Development legally rests with you.
- If an employee is unsure whether or not an incident is reportable, the employee should discuss the matter with their Supervisor, Co-ordinator, Program Manager, Program Director or Executive Director.

PROCEDURE

HOW TO REPORT

- Report the incident to a child protection social worker in a Ministry of Children and Family Development (MCFD) office in the community where the child resides.
- Monday to Friday, 8:30 a.m. to 4:30 p.m. call your local district office of MCFD.

- Monday to Friday, 4:30 p.m. to 8:30 a.m. and all day Saturday, Sunday and on statutory holidays, call the Helpline for Children. Dial 310-1234 (no area code needed).
- After Hours Line - for emergencies outside office hours (8:30 a.m. -4:30 p.m., Monday to Friday) call toll-free 1-800-663-9122.

WHAT TO REPORT

You need not have details or proof prior to calling but you will be asked for as much information about the concern as you can provide. This will include:

- Your name and phone number
- Relationship to the child
- Any immediate concerns about the child’s safety
- The location of the child
- The child’s age
- Information on the situation including all physical and behavioural indicators observed
- Information about the family, parents and alleged offenders
- The nature of the child’s disabilities
- The name of a key support person
- Other child(ren) who may be affected
- Information about other persons or agencies closely involved with the child and /or family
- Any other relevant information concerning the child and/or family such as language and culture.

AFTER THE REPORT

The child protection social worker will:

- Determine if the child needs protection;
- Contact the police if a criminal investigation is required;
- Coordinate a response with other agencies, if necessary

If a child is in immediate danger, police should be called to intervene and a child protection social worker should be contacted to determine whether the child is in need of protection.

DOCUMENTATION

When the child or the child’s family is a client of Sunshine Coast Community Services the incident and the reporting of the incident will be documented in the client file. If there is no client file a Critical Incident Form will be completed and forwarded to the appropriate supervisor, Program Manager or Program Director.

REFERENCE HR C2 Client Abuse

EFFECTIVE: Dec. 1, 2015	APPROVED BY: Executive Director	
REPLACES: April 1, 2014	MONITORING: Management Team	FREQUENCY: Annually