

## Administrative Procedure 352

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### INTERVENTION SERVICES

#### Background

The Division believes that the safety and welfare of its students is paramount. Any person (including any staff member) who had reasonable and probable grounds to believe that a child has been abused or neglected, or is at substantial risk, is legally required to report the matter to a Child and Family Services Authority.

Because of the trust relationships cultivated between teachers and students, school personnel often become aware of suspected cases of child abuse and neglect. The Child, Youth and Family Enhancement Act requires “any person who has reasonable or probable grounds to believe that a child is in need of protective services” to report forthwith the matter to appropriate authorities. The *Child, Youth and Family Enhancement Act* provides protection from legal action against a person making such a report.

The Division expects staff to fulfill their legal obligations and moral responsibility in reporting suspected cases of a child in need of intervention.

#### Definitions

Emotional Abuse: may take the form of chronic exposure to alcohol or drug abuse, verbal attacks on a child’s sense of self, repeated humiliation, or rejection. Exposure to violence or severe conflict in the home, forced isolation, restraint, or causing a child to be alone or afraid much of the time may also cause emotional harm.

Physical Abuse: is the intentional use of force on any part of a child’s body that results in injuries.

Sexual Abuse: is the improper exposure of a child to sexual content, activity, or behavior. It includes any sexual touching, intercourse, or exploitation by a parent/guardian, caregiver, extended family, friend, neighbor, or stranger.

Neglect: is any lack of care that causes serious harm to a child’s development or endangers the child in any way. Physical neglect is the failure to meet the child’s day-to-day physical needs, including a failure to provide adequate nutrition, clothing, shelter, health care, and protection from harm. Emotional neglect is the failure to meet the child’s ongoing emotional needs for affection and a sense of belonging.

## Procedures

1. The Principal shall annually review with staff the procedures related to children/students in need of Intervention Services as outlined in this Administrative Procedure.
2. All matters relative to children/students in need of intervention services shall be held to the strictest degree of confidentiality.
3. A child is in need of intervention services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:
  - 3.1 The child has been abandoned or lost;
  - 3.2 The guardian of the child is dead and the child has no other guardian;
  - 3.3 The child is neglected by the guardian;
  - 3.4 The child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;
  - 3.5 The guardian of the child is unable or unwilling to provide the child with necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician;
  - 3.6 The child has been, or there is substantial risk that the child will be, physically injured or sexually abused by the guardian of the child;
  - 3.7 The guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;
  - 3.8 The child has been emotionally injured by the guardian of the child;
  - 3.9 The guardian of the child is unable or unwilling to protect the child from emotional injury;
  - 3.10 The guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment;
  - 3.11 The condition or behavior of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.

#### 4. Duty to Report

- 4.1 If a staff member believes there are reasonable and probable grounds to suspect a child/student is in need of intervention, if the child/student discloses such, or if there are reasonable grounds to suspect that the child/student is at risk of either abuse or neglect, the staff member shall forthwith report the matter to:
  - 4.1.1 A director as defined by the Act; or
  - 4.1.1 A police officer.
- 4.2 Anyone failing to report while having reasonable and probable grounds to suspect abuse or neglect, is guilty of an offense and liable to a fine of not more than \$10,000.00 or imprisonment for a term of not more than six Months or to both a fine and imprisonment
- 4.3 The duty of a staff member to report is not discharged until the staff member reports to a Children's Services (CS) worker.
- 4.4 The duty to report overrides any right of confidentiality or privilege that a person may claim.
- 4.5 It is not up to the staff member to determine whether his/her observations or student statements are sufficient evidence for an investigation or assessment. If in doubt, the staff member shall call to ask for advice from a CS worker.
- 4.6 The staff member shall advise the Principal regarding any formal report that is made. This is to be shared for information only. The staff member cannot delegate the duty to report to the Principal and no Principal shall counsel a staff member not to report if the staff member believes that there are reasonable grounds to believe that abuse and/or neglect exists.

#### 5. How to Report

- 5.1 If a school staff member is satisfied that there are reasonable and probable grounds to suspect a child is abused or neglected, or that the child is at risk of either abuse or neglect, the staff member is required to make a formal report to the 24/7 Child Intervention Line 1-800-638-0715.
- 5.2 Do not call the student's parent/guardian.
- 5.3 Do not make any promises of confidentiality to the student. Indicate that you are required by law to report the disclosure.
- 5.4 Staff are expected to offer support but must refrain from seeking further information to confirm suspicion or clarify disclosure.
- 5.5 Record any disclosure in the student's own words.

- 5.6 Include observed facts, such as the student's behavior, actions, comments, and physical evidence, if observed.
  - 5.7 Record the date and time of the call and the name and position of the case worker who accepts the report. The record is to be stored in a confidential file and stored securely in a designated file, separate from the student record.
  - 5.8 Any reports relative to a student in need of intervention services may be subject to disclosure under the terms of the Freedom of Information and Protection of Privacy Act.
6. Responsibility for Assessments/Investigations
- 6.1 The assessment/investigation for child intervention services is the responsibility of the CS worker who may, where appropriate, be assisted by the police.
  - 6.2 School staff must not assume responsibility for any part of the assessment/investigation.
  - 6.3 The Principal shall facilitate access to students for CS workers and/or police for the purpose of determining if a child is in need of intervention services.
  - 6.4 CS staff are expected to provide appropriate identification upon entering the school. It is understood that investigators shall engage in student interviews at the school site only in instances where the imminent safety and welfare of a student is in question.
  - 6.5 The responsibility for notifying a student's parent/guardian about an investigation rests with the CS worker or police officer. In the event that a student's return to home from school is delayed because of an investigation, it is the responsibility of the investigator to contact the guardian(s). School personnel shall not assume this responsibility.
7. Facilitating Assessments/Investigations at School
- 7.1 A Children's Services Case Worker or police officer may request permission from the Principal to interview the child on school premises:
    - 7.1.1 School personnel are expected to co-operate with the request; and
    - 7.1.2 It shall be the responsibility of the investigating team to determine when to notify the guardian(s). Whenever possible, the investigator(s) are to give advance notice to the Principal of their need to visit the school and/or conduct an interview on school premises.
  - 7.2 The Principal or their designate must be present at any interview of a student as a silent observer. The Principal may explore with the CS worker whether it is in the child's best interest that a familiar staff member sit in on the interview as a silent observer. If the CS worker agrees, the

Principal will consult the student to determine whether a familiar staff member will sit in on the interview.

- 7.3 It is recommended that the interview be conducted in private unless the student requests or otherwise demonstrates that he/she requires the supportive but non-participatory presence of a familiar school employee. The investigator and the Principal shall together determine the appropriateness of having a school representative present to support the student during the interview.
- 7.4 School personnel present in such interviews must recognize that they could potentially be subpoenaed to provide court testimony.
8. Within the context of their responsibility for the well-being and care of students in a school, staff are to facilitate child services case workers' and/or police officers' access to students for the purposes of determining if a child is in need of intervention services:
  - 8.1 The Children's Services Case Worker is responsible for:
    - 8.1.1 Determining whether the child is in need of intervention services;
    - 8.1.2 Contacting the police if a criminal investigation is required; and
    - 8.1.3 Coordinating a response with other agencies, if necessary.
  - 8.2 CS staff shall offer appropriate identification to school staff. It is understood that investigators will engage in student interviews at the school site only in instances where the imminent safety and welfare of a student is in question.
9. Suspected Abuse Involving School Personnel
  - 9.1 Division and school personnel must recognize that child abuse can occur within the educational setting. The *Child, Youth and Family Enhancement Act* does not cover neglect/abuse by anyone other than family members. Should a staff member or volunteer be suspected as the perpetrator of abuse, the Division must take immediate action consistent with the nature of the allegation, facts, and circumstances. All such cases shall be reported to the police and the Superintendent.
  - 9.2 In addition to the initial report to the police, Alberta's *Teaching Profession Act* requires a Superintendent who has reason to believe that a member had been or might have been convicted of an indictable offense to report to the Executive Secretary of the Alberta Teachers' Association. Once a report is made, a professional conduct investigation may be initiated by the Association or the Division.
10. Follow Up

- 10.1 School personnel directly involved may expect follow up communication from CS. This shall be determined by the authorities and shall be provided on a “need to know” basis.
- 10.2 At the end of the investigation, the Principal, school counsellor, and/or staff member(s) may request to meet with the Children’s Services Case Worker to discuss steps to be taken to assist the student, including any continued need for school support and educational services.

Reference: Education Act 196, 197 Child, Youth and Family Enhancement Act (January 2021) Freedom of Information and Protection of Privacy Act Practice Review of Teachers Regulation (92/2019) Student Record Regulation (97/2019) Responding to Child Abuse - A Handbook (October 2005)	
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References shall be updated as required and do not require additional approval.