

**CODE:** HHEB.AR**EFFECTIVE DATE:** (04-03-2011)**TOPIC:** Children in Need of Intervention**ISSUE DATE:** (09-03-2011)**REVIEW YEAR:** (2016)

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**REGULATION****A. INTRODUCTION**

1. All school and district staff, and volunteers, shall be familiar with, and guided by the material which follows.
2. The Principal shall conduct an annual review of this administrative regulation so that all school staff are knowledgeable about district procedures. Inclusive Learning staff are available to assist with the review.

**B. DEFINITIONS**

1. The *Child, Youth and Family Enhancement Act* RSA (2000) Amended Section 1 (2), states that "... a child is in need of intervention 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:
  - a. the child has been abandoned or lost;
  - b. the guardian of the child is dead and the child has no other guardian;
  - c. the child is neglected by the guardian;
  - d. 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;
  - e. the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;
  - f. the child has been emotionally injured by the guardian of the child;
  - g. the guardian of the child is unable or unwilling to protect the child from emotional injury;
  - h. 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."
2. For the purposes of subsection (2)(c), a child is neglected if the guardian:
  - a. is unable or unwilling to provide the child with the necessities of life,
  - b. is unable or unwilling to obtain for the child, or to permit the child to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child, or
  - c. is unable or unwilling to provide the child with adequate care or supervision.
3. *Child, Youth and Family Enhancement Act* RSA (2000) Section 1 (3) states:
  - a. "a child is emotionally injured
    - i. if there is impairment of the child's mental or emotional functioning or development, and
    - ii. if there are reasonable and probable grounds to believe that the emotional injury is the result of:

- rejection;
  - emotional, social, cognitive or physiological neglect,
  - deprivation of affection or cognitive stimulation;
  - exposure to domestic violence or severe domestic disharmony;
  - inappropriate criticism, threats, humiliation, accusations or expectations of or towards the child, or
  - the mental or emotional condition of the guardian of the child or of anyone living in the same residence as the child;
  - chronic alcohol or drug abuse by the guardian or by anyone living in the same residence as the child.
- b. a child is physically injured if there is substantial and observable injury to any part of the child's body as a result of non-accidental application of force or an agent to the child's body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other body injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;
- c. a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities."

## C. REPORTING REGULATIONS

### 1. Reporting Child In Need

Any person who has reasonable and probable grounds to believe a child is in need of intervention, is legally required to report the matter to Child and Youth Services. The *Child, Youth and Family Enhancement Act* RSA (2000) prescribes penalties for those who fail to report such situations, and provides protection from legal action against a person making a report unless the reporting "is done maliciously or without reasonable and probable grounds for the belief".

### 2. Reporting Procedures

- a. A staff member who suspects a child is in need of intervention shall seek advice as to whether or not the facts constitute reasonable and probable grounds for that belief. Advice may be obtained from the Principal, Inclusive Learning staff, or the Edmonton and Area Child and Family Services Crisis Unit. When discussing the situation, the staff member may, at his or her discretion, use the names of those involved.
- b. If satisfied that there are reasonable and probable grounds to suspect a child is in need of intervention, the staff member shall make a formal report to the Child and Youth Services Region 6. Contact the Edmonton and Area Child and Family Services Crisis Unit, open 24 hours (780-422-2001).
- c. The duty of a staff member to report a child in need of intervention has not been discharged until the staff member is certain a director of child welfare or delegate has received the report.
- d. The staff member shall advise the principal or designate regarding any formal report that has been or will be made.
- e. Staff who make a report that a child is in need of intervention are advised to record, in their own records, the date and time of the call and the name and position of the Children Services

caseworker accepting the report. No information with respect to reports of children in need of intervention may legally be kept in the student's school record.

### 3. Responsibility for Investigations

- a. The investigation of complaints about a child in need of intervention is the responsibility of duly authorized Children Services caseworkers from Child and Youth Services Region 6, who may, where appropriate, be assisted by the police. District staff should not assume this responsibility. School staff should offer support to the student, but refrain from seeking further information to confirm suspicion or clarify disclosures.
- b. A staff member to whom a student has made disclosure statements should record those statements, preferably in the student's own words, as soon as possible after the disclosure and retain them in their own records for future reference. Such records or information shall be kept in the strictest confidence and shall not be included in the student's record. These records shall be maintained in a school administrative file for the student in accordance with item 2350 of the School Classification Scheme and Retention Schedule.
- c. Within the context of their responsibility for the well-being and care of students in a school, staff should facilitate Children Services caseworkers' and/or police officers' access to students for the purposes of determining if a child is in need of intervention.
- d. The responsibility for notifying parents about an investigation rests with the Children Services caseworker or police officer conducting the inquiry. If the school is contacted by parents inquiring about a student who has not returned home, and the student has been apprehended or delayed at school because of an investigation, the school shall inform the parent of that fact and provide the investigator's name and telephone number. Parents should be referred to the Children Services caseworker for further details.
- e. All those involved in a child protection investigation are required by law to keep details about the investigation confidential in accordance with Section 126 of the *Child, Youth and Family Enhancement Act* RSA (2000).

### 4. Facilitating Investigations at School

- a. Children Services caseworkers appointed under the *Child, Youth and Family Enhancement Act* RSA (2000) are empowered to enter schools, obtain information about students and apprehend students.
- b. All inquiries by Children Services caseworkers are to be referred to the Principal or designate.
- c. The Principal shall ask the Children Services caseworker or police officer to show an identification card, to define the nature of the investigation being conducted, and to state the reasons for conducting the interview at school.
- d. The Principal shall cooperate with the investigator regarding the time and location of interviews to be conducted in the school, unless there are compelling reasons to the contrary.
- e. Principals shall keep a record of all investigative interviews conducted at the school to determine if a child is in need of intervention, noting contact information for the investigator and in each case whether it was completed by:
  - a police officer and/or
  - a Children Services caseworker.

- f. When an interview takes place in the school for the purposes of determining if a child is in need of intervention, the Principal or designate shall not sit in on the meeting unless they are specifically included by the investigating Children Services caseworker or police officer.
  - g. School staff interviewed by the investigator should summarize in writing any information provided to the investigator immediately after the interview and retain it in their own records for future reference.
  - h. If the investigator finds conditions established for a school interview unacceptable, the investigator has the authority to apprehend the child and conduct the interview at some other location.
5. Post-Investigation Procedure
- a. Principals shall share information with staff on a "need to know" basis and as relevant to the student's continued need for school services.
  - b. Access of a Children Services caseworker to a student on an ongoing basis during school hours is acceptable if arrangements as to time and place are mutually agreed upon. If it is agreed that interviews by the Children Services caseworker will take place at school, school staff shall arrange for the worker to interview the student at an appropriate time and place in the school.
6. Threats
- If threats are made against school staff or the child, the Principal shall call the police.

**REFERENCES**

*Child, Youth and Family Enhancement Act*  
*Records Retention Schedule*