

Responsibilities of Teachers in Cases of Suspected Child Maltreatment

Teaching is recognized as a profession that plays an important role in the detection and resolution of child maltreatment in our society. Constant, long-term contact and interaction with children means that teachers are well positioned to make observations and assessments which are not available to most other professionals or the general public. Accordingly, it is important for teachers to know and understand their obligations under the law regarding the duty to report suspicions of child maltreatment to proper authorities.

Legal Duty to Report

In Newfoundland and Labrador, Section 11 of the Children and Youth Care and Protection Act ("the Act") states that every person who has information that a child "is or may be in need of protective intervention" has a legal duty to report that information to a proper authority designated under the Act, i.e. a social worker or a police officer in most situations. The Act defines a "child" for this purpose as someone who is or appears to be under the age of sixteen (16) years. It should also be noted that this duty to report applies even though the information reported might ordinarily be considered to be confidential or privileged, such as disclosures made by a student to a school counsellor.

Section 10 of the Act sets out the circumstances in which a child would be considered to be in need of protective intervention, which include:

- a child is being or is at risk of being physically or emotionally harmed, sexually abused or exploited;
- neglect of a child, such as failure to provide essential health care, abandonment, lack of adequate care and supervision;
- a child living in a situation where there is actual or a risk of violence;
- a child under the age of twelve (12) years having allegedly killed or seriously injured another person, or caused or threatened to cause serious damage to another person, their property or another living thing.

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Whether a report must be made is easier to determine in certain situations than in others. The duty to report is not always triggered by incidents a teacher witnesses directly or that are specifically disclosed by a child. Teachers are not required and should not attempt to conduct their own inquiry to try to determine the seriousness of a situation or truth of allegations. Generally speaking, a good rule of thumb to follow is “when in doubt, report”. That being said, emotional abuse may not always be as evident as are signs of other types of child maltreatment. In this regard, the Act identifies a number of indicators that may be exhibited by a child in cases of emotional abuse, including depression, significant anxiety or withdrawal, self-destructive behaviour, aggression and developmental delay.

What to Expect When You Make a Report

When a report that a child is or may be in need of protective intervention has been made, the investigation by the social worker assigned to the case may include interviews with certain individuals, including the teacher and the child. Interviews with the reporting teacher, and possibly other school staff, will help the social worker to gather necessary details about the situation. In order to conduct as objective an assessment as possible, social workers will often interview an impacted child at school. Section 14 of the Act gives an investigating social worker the authority to do this. However, the social worker is also required by the Act to notify the child’s parent of the interview; therefore, school personnel should not get involved in or interfere with this process.

Teachers Should Also Know...

The Act specifically states that legal action cannot be taken against a person who makes a report as long as the report was made in good faith, based upon reasonable cause and without any malicious or improper intent.

The Act also prohibits anyone from interfering with or harassing someone who makes a report to proper authorities in accordance with the Act. Such interference or harassment is punishable by fine or imprisonment or both, and should be reported to the police if/when it occurs.

