



Responsibility of a Teacher in Suspected Cases of Child Maltreatment

Teaching is recognized as a profession that plays a major role in the detection and resolution of child maltreatment in our society. Constant, long-term contact with children places teachers in a position to make assessments and observations which are not afforded individuals in other professional spheres.

In addressing the serious problem of child maltreatment, it is important that teachers are aware of their obligations under the law, including the definition of child abuse and neglect, and what the indicators of child maltreatment might be.

Physical abuse is any kind of injury to, or extreme punishment of, the child.

Physical/emotional neglect is defined as failure on the part of those responsible for the care of a child to provide for the physical or emotional needs of a child to the extent that the child's health or safety is endangered. It includes the failure to provide a child with food, clothing, shelter, health care and emotional nurturing needed for a child's optimum development.

Sexual abuse is the exploitation of a child for sexual gratification. It includes incest, sexual molestation, sexual assault, and the exploitation of a child for the purposes of pornography or prostitution.

Emotional abuse is the undermining of a child's self-image, sense of worth and self-confidence. It may include belittlement, rejection, humiliation, withdrawal of life-sustaining parenting, or exposure to domestic violence.

Legal Responsibility to Report

In Newfoundland and Labrador, Section 15 of the Child, Youth and Family Services Act ("the Act") mandates that any person who has information causing them to believe that a child is or may be in need of

protective intervention shall immediately report the matter to an individual designated under the Act. The duty to report applies even in situations where the information might otherwise be considered confidential or privileged, such as disclosures made by a student to a guidance counselor.

Failure to report is punishable by fine or imprisonment or both. The responsibility for reporting the suspicion of child maltreatment to Child Protection authorities rests with any person who performs professional or official duties with respect to a child and who has reasonable grounds to suspect the abuse. This responsibility is an individual one and is only discharged by an educator reporting to a social worker; a peace officer (RCMP or RNC); or a designated director of a regional health or hospital board.

What to Expect When a Report is Made

When a report is made, a social worker may wish to interview the teacher and the child at the school. The interview with the educator will allow the social worker to gather as much detail as possible. In order to complete an objective assessment, the social worker will likely interview the child in the school. Section 17(1) of the Act gives the social worker the authority to do so. It is important to note that it is the responsibility of the social worker to notify the parents of the interview; therefore, educators should not do so.

Teachers Should Also Know...

The Act states that legal action cannot be taken against a person who makes a report as long as there were reasonable grounds for the suspicion of abuse and the report was made in good faith, without any malicious or improper intent.

The Act prohibits anyone from interfering with or harassing someone who makes a report to appropriate 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 it occurs.

