

# PROGRAMS AND SERVICES

## DUTY TO REPORT POLICY

### GENERAL POLICY

Staff and volunteers of the Federation of BC Youth in Care Networks have a legal responsibility to report child abuse and neglect under the *Child, Family and Community Service Act*. In British Columbia, a child is anyone under the age of 19.

This legal requirement is referred to as a “Duty to Report.” A Duty to Report applies to everyone – service providers, family members, and the general public – and helps ensure that all members of the community are looking out for children.

Anyone who believes that a child has been or is likely to be physically harmed, sexually abused or exploited, or neglected must report the matter to a child protection social worker right away.

You must make a report to MCFD if you have reason to believe that a child or youth:

- Has been, or is likely to be, physically harmed, sexually abused or sexually exploited by a parent or another person and the parent is unwilling or unable to protect the child or youth;
- Has been or is likely to be physically harmed because of neglect by the child or youth’s parent;
- Is emotionally harmed by the parent’s conduct;
- Is or has been absent from home in circumstances that endanger the child or youth’s safety or well-being;
- Has been abandoned and adequate provisions have not been made for the child or youth’s care;
- Is living in a situation where there is domestic violence by or towards a person with whom the child or youth resides;
- Is likely to have seriously impaired development by a treatable condition and the child or youth’s parent refuses to provide consent to treatment;
- Has a parent that is unable or unwilling to care for the child or youth and has not made adequate provisions for the child or youth’s care; or
- Has a parent that is no longer alive and adequate provisions have not been made for the child or youth’s care.

You don’t have to report when it is clear that an injury or other harm is accidental and is a result of circumstances outside the control of the parent or caregiver, for example, a playground injury.

### POLICY & PROCEDURE DETAILS

Sometimes the need to report a situation is very clear; however, many serious incidents go unreported because they are less obvious. We are obligated to report any disclosure, including information that is shared with us over social media or anonymously. Remember, you do not need proof or to be certain about the situation. It is a child welfare worker’s job to determine whether abuse or neglect has

occurred or is likely to occur. Make sure that no child remains in an unhealthy environment. You MUST report a situation:

- Even if you believe someone else is reporting the same situation.
- Even if you're aware that a child protection social worker is already involved with the child. This may be a new incident.
- Even if you are afraid of breaking confidentiality – the safety of a child is more important. You are legally required to report all incidents except within a solicitor-client relationship (i.e. lawyer and client).
- Right away! Time is of the essence in ensuring the safety and well-being of children.
- By contacting a child protection social worker or the police. Do not contact the alleged perpetrator.

### ***Confidentiality & Duty to Report***

Duty to Report always takes precedence over our Confidentiality Policy. The only circumstance when we share information that a young person has shared with us outside of our staff team is if we have reason to believe that they have been, or are likely to be, physically or sexually harmed, or a harm to others.

If a young person is about to disclose information that we have a legal duty to report, it's important to try and tell them before they disclose what information you may have to report. If a young person discloses before we have told/reminded them about our policy and legal duties, then staff should inform the young person we will have to report their information and explain the process and reasons.

## **REFERENCE DOCUMENTS**

[Responding to Child Welfare Concerns](#). Province of British Columbia, 2017

[Confidentiality Policy](#), FBCYICN

[Critical Incident Policy](#), FBCYICN

[Critical Incident Report](#), FBCYICN