

5.0. CONFIDENTIALITY

The Division of Human Services is not permitted to enter any disclosure of the identity of the reporter unless the person has given permission to reveal her/his identity to the individual who is allegedly responsible for causing or allowing the abuse and neglect of a child.

The reporter shall be advised at the time of making the report of her/his right to anonymity. In the event, however, that the abuse and case is litigated the court can make a determination to subpoena the known individual to testify concerning her/his findings or observations.

6.0. FILING A FALSE REPORT OF CHILD ABUSE

Any individual who knowingly files a false report of an alleged occurrence or condition of child abuse and neglect shall be made liable to consequences as specified by the Child Protection legislation.

7.0. FAILING TO REPORT A SUSPECTED CASE OF CHILD ABUSE AND NEGLECT

Any person or institution as listed in this protocol who willfully fails to report cases of suspected or actual child abuse and neglect, shall be made liable to consequences as specified by the child protection legislation

8.0. RESPONSIBILITIES OF DIVISION OF HUMAN SERVICES TO MANDATED REPORTERS

The Division of Human Services is the agency mandated to investigate all reports of child abuse and neglect and to coordinate and monitor the necessary

preventive, protective and rehabilitative services for children and their families.

The reporter may at any time following the report make inquiries into the findings of the investigation based upon her/his report. Agency staff may not release any information without first taking the necessary steps to confirm the identity of the individual making such a request. Information shall only be released to an authorized member of staff and limited to a statement confirming that:

- 1 The report is being investigated;
- 2 The report has been substantiated;
- 3 The child has been placed in protective care; or
- 4 The case has been unfounded and consequently closed.

9.0. REPORTING PROCEDURES FOR CHILD ABUSE AND NEGLECT

9.1. Role of the Division of Human Services

The Division of Human Services receives referrals from many sources. While professionals shall generally seek to discuss any concerns with the family and request their permission prior to making a referral to the Division, such discussions shall only occur where it is established that agreement-seeking will not place a child at increased risk of significant harm.

All criminal investigations and prosecution of child abuse cases are the responsibility of the Royal Saint Lucia Police Force and the Office of the Director of Public Prosecution. Therefore upon receiving reports, the Division of Human Services shall commence consultations with these agencies to determine how to proceed in cases where:

- a** There is an allegation of sexual abuse;
- b** There appears to be a discrepancy between the injury and the explanation offered;
- c** There is an injury to the child;
- d** There is a death of the child under suspicious circumstances; or
- e** The situation is such that evidence may be available at the time of reporting, but is likely to be unavailable later.

In very complex cases, the Division of Human Services shall convene a strategy meeting with the Police to collectively develop the best course of action for the intervention of child abuse and neglect cases.

It is the responsibility of the Division of Human Services to initiate an investigation of all reported suspicions of abuse and neglect or risk of abuse. It also has a responsibility to assess the need for protection for the victim as well as any other children to whom the alleged abuser may have access. Where necessary, the Division of Human Services should ensure that the child receives medical attention.

A verbal report shall be followed by a written report of suspected abuse and neglect to the Division of Human Services, using the child abuse incident report form within 48 hours of the verbal report.

In emergency situations where the Division of Human Services is unable to respond immediately, the report of actual or suspected child abuse and neglect shall be made to the Police for child protection purposes. A police officer who responds to a report of child abuse and neglect shall confirm the complaint and establish the safety of the child. The case shall subsequently be

referred to the Division of Human Services as soon as possible within 24 hours.

If necessary, the child shall be hospitalized for care and treatment while the investigation into the abuse continues. A child may also be placed at the hospital on 'social hold' in cases where there may not be any other alternative place of safety for the child. Discharge shall be upon consultation with the Division of Human Services.

A Family Caseworker may place a child in foster care, at a transit home or any other place of safety that may be deemed suitable for the protection of the child. The Family Caseworker shall apply to the Court/Family Court for a care and protection order within 24 hours in every case where a child is removed from her/his family of origin.

A child may be placed in the care of another parent without the intervention of the Court. However, a declaration of parental consent of placement must be signed by both parents.

Where no immediate protection issues are found, the Division of Human Services has the responsibility to provide support and assistance to the family, including therapeutic treatment services and referrals as necessary.

In addition, the Division of Human Services has a responsibility to conduct public educational programmes to sensitize the public on issues relating to child abuse and neglect.

9.2. Role of the Police

- a** The Royal Saint Lucia Police Force through its designated department shall investigate all reported cases of child abuse.
- b** The Police shall ensure that a parent, guardian, Family Caseworker/social worker or responsible adult is present

at all times when the child is being interviewed. In cases where the parent or guardian is the offending person, the police shall ensure a social worker or responsible adult is present.

- c** The investigating officer shall ensure that the child has the support of a social worker when a case of child abuse is being prosecuted in court.
- d** The investigating officer shall refer child victims to the child witness programme at the Family Court for court preparation.
- e** In cases where known pedophiles or persons convicted of sexual offences against children are being deported to Saint Lucia, the police shall notify the Division of Human Services.

9.3. Role of medical personnel

- a** All suspected and actual cases of child abuse received at a public or private health facility shall be reported to the Division of Human Services and the community child health service through the community pediatrician.
- b** All public or private health facilities shall maintain a child abuse register.
- c** All private and public health facilities shall ensure the protection of the child.

9.4. Role of the Ministry of Education

If a case of suspected or actual child abuse presents within the education system, the following reporting procedures should be followed:

9.4.1. Role of the teacher

Any teacher can freely report any suspected or actual case of child abuse and

neglect directly to the Division of Human Services. The teacher upon receiving a report or any suspected or actual case of child abuse and neglect shall:

(a) Immediately inform the school principal. If the principal is unavailable, the vice principal shall be informed. The principal or vice principal shall then inform either the school counselor or district counselor and the chief education officer;

(b) Not confront the child nor seek any detailed information about the incident. Questioning shall be limited to the name of the person who allegedly inflicted the abuse and where and when the incident occurred;

(c) Be expected to provide the principal or vice principal, school counselor or district counselor with all known information regarding the child abuse incident;

Be expected to keep all information about the incident confidential and to refrain from discussing the incident with anyone except persons and other authorities who might be directly related to the incident, such as the principal, vice principal, school counselor, district counselor, police and social worker.

9.4.2. Role of the Principal/Vice Principal

Any principal or vice principal can freely report any suspected or actual case of child abuse and neglect directly to the Division of Human Services. The principal or vice principal upon receiving a report of any suspected or actual case of child abuse and neglect from a teacher at the school shall:

(a) Immediately notify the school counselor or district counselor;

(b) Be expected to provide the school counselor or district counselor with all known information regarding the child abuse incident;

(c) Not confront the child nor seek any detailed information about the incident from the child, parent/guardian or significant other;

(d) Inform the parent of the child abuse incident, depending on the circumstance of the case, such as child neglect;

(e) Inform the district education officer of the child abuse incident who shall then inform the chief education officer;

(f) Ensure that in the event that the alleged perpetrator is a teacher, school counselor, district counselor or school support, the matter is reported immediately to the Police and the Division of Human Services. The principal or vice principal shall also report the matter to the district education officer and/or the chief education officer;

(g) Ensure that in cases where the alleged perpetrator is a teacher, school counselor, district counselor or school support staff that there shall be no confrontation between the child and the alleged perpetrator, except when the Police have arranged such a confrontation;

(h) Ensure that the reporting procedures for child abuse cases are adhered to.

9.4.3. Role of the school counselor and district counselor

The school counselor or district counselor upon receiving a report of any suspected or actual case of child abuse shall:

(a) Make an immediate telephonic referral to the Division of Human Services and follow up with a completed copy of the child abuse incident report form;

(b) Notify the parent/guardian of the child that a referral has been made to the Division of Human Services following the allegations of child abuse made by the child;

(c) Conduct critical incident stress debriefing (CISD) with the principal, vice principal, teacher, staff and students where necessary.

9.4.4. Role of the Chief Education Officer

The chief education officer upon receiving a report of any suspected or actual case of child abuse shall:

(a) Ensure that the Division of Human Services has been informed of the case and that the case is being addressed;

(b) Convene a case conference with the principal or vice principal, school counselor, district counselor, parents and the child, if necessary. A representative of the Division of Human Services shall be invited to participate in the case conference;

(c) Ensure that in the event that the alleged perpetrator is a principal, vice principal teacher, school counselor, district counselor, school support

staff or any other education official, the matter is reported immediately to the police and the Division of Human Services ;

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- (d) Ensure that in cases where the alleged perpetrator is a principal, vice principal teacher, school counselor, district counselor, school support staff or any education official, that there shall be no confrontation between the child and the alleged perpetrator, except when the police have arranged such a confrontation.

9.4.5. Role of the Early Childhood Educator

Any staff or member of an early childhood education centre can freely report any suspected or actual case of child abuse and neglect directly to the Division of Human Services. Any person employed in an early childhood education facility, upon receiving a report of any suspected or actual case of child abuse or having a suspicion that a child has been abused or neglected shall:

- (a) Immediately inform the administrator who shall make a telephonic referral to the Division of Human Services followed by the submission of the child abuse incident report form;

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- (b) Not confront the child nor seek any detailed information about the incident. Questioning shall be limited to the name of the person who inflicted the abuse and where and when the incident occurred;

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- (c) Be expected to provide the administrator with all known information regarding the alleged child abuse incident;
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- (d) Be expected to keep all information about the incident confidential and to refrain from discussing the incident with anyone except persons and other authorities who might be directly related to the incident, such as the education officer for pre-schools, police and social worker;

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- (e) Ensure that the administrator informs the child's parent or guardian of the suspected or actual case of child abuse and that a referral has been made to the Division of Human Services and Family Affairs.

9.4.6. Role of the day care services

Any staff from any day care facility can freely report any suspected or actual case of child abuse and neglect directly to the Division of Human Services. Any person employed in a day care facility, upon receiving a report of any suspected or actual case of child abuse or having a suspicion that a child has been abused or neglected shall:

- (a) Immediately inform the administrator who shall make a telephonic referral to the Division of Human Services followed by the submission of the child abuse incident report form;

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- (b) Not confront the child nor seek any detailed information about the incident. Questioning shall be limited to the name of the person who inflicted the abuse and where and when the alleged incident occurred;

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- (c) Be expected to provide the administrator with all known information regarding the alleged child abuse incident;
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(d) Be expected to keep all information about the alleged incident confidential and to refrain from discussing the incident with anyone except persons and other authorities who might be directly related to the incident, such as the coordinator for day care services, police and social worker;

(e) Inform the child's parent or guardian of the suspected or actual case of child abuse and ensure that a referral has been made to the Division of Human Services.

9.5. Role of the media

a The name, school and place of residence or any other identifiable information of a child under the age of 18 years who is a victim or perpetrator of any form of abuse should not be disclosed in the media.

b The media shall not publish or cause to be published any matter that contains any particulars likely to lead to the identification of a child against whom a sexual offence is alleged to have been committed, whether or not a proceeding in respect of the alleged offence is pending in court. The consent of the parent or guardian shall be required and the possible implications explained.

a Media practitioners shall not interview or photograph children under the age of 18 years on subjects involving his/her welfare in the absence of, or without the expressed consent of a parent or guardian, unless it is deemed to be in the child or public interest.

b Where a parent or guardian has consented to their child being interviewed by the media, media practitioners

shall ensure that the child, parent or guardian fully understands the potential repercussions of public exposure.

c Media practitioners shall not display photographs of body parts of any child who is a victim of child abuse.

d Children should not be interviewed about their parents or siblings when the parents or siblings are the subject of any criminal offence or situation, except in the presence of, and with the consent of a parent, or other adult responsible for the child, or a social worker.

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**Produced in collaboration with the
UNICEF Office for Barbados and the Caribbean**

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