



SECTION 1000: STUDENTS AND SCHOOLS

POLICY 1045: CHILD PROTECTION

- *Date Adopted: June 18, 2014*
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POLICY STATEMENT

The Board affirms that children have a right to be protected from abuse and neglect, and employees have a right to protection from malicious or unfounded allegations of abuse by students.

RATIONALE

The Board has an obligation to ensure that students under its care are protected from abuse. Employees have a privileged relationship with students and must not exploit that relationship for personal advantage.

The purpose of this policy is to support a comprehensive and collaborative approach to responding to child abuse and neglect by:

1. Providing child abuse prevention programs to students.
2. Providing school officials, employees and other persons working in schools with training in recognizing signs of child abuse and neglect.
3. Providing school officials, employees and other persons working in schools with direction and training on their legal obligation to report child abuse and neglect to a Child Welfare Worker under the *Child, Family, and Community Service Act*, to police where the child is in immediate danger, and to school officials.
4. Requiring school officials to investigate and/or report to the police allegations of child abuse involving current and former school district employees, volunteers or contract service providers.
5. Establishing a child abuse/neglect reporting and investigation protocol with other responsible agencies, to identify the roles and responsibilities of school officials and personnel from other agencies, in responding to allegations of child abuse or neglect.



RATIONALE *(continued)*

6. Providing assistance to victims of child abuse and neglect by counselling and referrals to other agencies, as appropriate.

LEGISLATION/REGULATIONS

- *Child, Family, and Community Service Act*
- Criminal Code of Canada
- United Nations Convention on the Rights of the Child
- *Freedom of Information and Protection of Privacy Act*
- *Infant's Act*
- *Victims of Crime Act*
- Advocacy Protocol between The Ministry of Children and Family Development and The Representative for Children and Youth

REFERENCES

- *BCSTA Sample Child Protection Policy: May 13, 2012*
- *BCSTA Sample School District Procedures for Reporting Child Abuse and Neglect: May 16, 2012*
- *BCSTA Sample Interagency Protocol for Reporting and Investigation of Child Abuse and Neglect in School Districts, June 22, 2012*
- *The BC Handbook for Action on Child Abuse and Neglect for Service Providers, Government of British Columbia, 2007*
- *Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report, Government of British Columbia, 2007*

POLICY

The Board requires its school officials, employees and other persons working in schools to be aware of their obligation to report child abuse as prescribed by legislation and by current government-authorized handbooks, guidelines, and procedures. These employees must know the signs of abuse and neglect and what to do when a child may be at risk. This information is provided for each school at the beginning of school year and at the orientation for new teachers on call and casual staff.



POLICY *(continued)*

All school officials and employees must understand and respect their legal obligation to report child abuse and neglect to a child welfare worker where they have reason to believe that a child is in need of protection within the meaning of the *Child, Family and Community Service Act*. They also need to comply with their reporting obligations as identified in the Regulations, below.

School officials must also understand their role in coordinating with responsible agencies and in investigating allegations of child abuse against school employees, in accordance with the Board's Child Protection Policy and Regulations and the interagency child abuse/neglect protocol agreement.

DEFINITIONS¹

Parent: The *School Act* definition of *parent* means a parent or other person who has guardianship or custody of the student or child, or a person who usually has the care and control of the student or child.

The definition of parent **does not include** a parent or person who, under an agreement or order made under the *Family Law Act* that allocates parental responsibilities, does not have parental responsibilities in relation to the student's or child's education.

Child Abuse: Child abuse can take physical, sexual, or emotional forms, or may take the form of parental neglect. The following definitions should be applied for the purposes of the district's Child Protection Policy.

Physical Abuse: Physical abuse is a deliberate physical assault or action by a person that results in, or is likely to result in, physical harm to a child. It includes the use of unreasonable force to discipline a child or prevent a child from harming him/herself or others.

The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death.

Emotional Abuse: This is the most difficult type of abuse to define and recognize. It may range from ignoring to habitually humiliating the child to withholding life-sustaining nurturing. Generally, it involves acts or omissions by those in contact with a child that are likely to have serious, negative emotional impacts. Emotional abuse may occur separately from, or along with, other forms of abuse and neglect.

¹ *BC Handbook for Action on Child Abuse and Neglect*, Government of British Columbia, 2007, pp 23-25



DEFINITIONS

Emotional Abuse: *(continued)*

It includes the emotional harm caused by witnessing domestic violence. Emotional abuse can include a pattern of:

- scapegoating
- rejection
- verbal attacks on the child
- threats
- insults, and
- humiliation.

Emotional Harm: When emotional harm is chronic and persistent, it can result in emotional harm to the child. Under the *Child, Family and Community Service Act*, a child is defined as emotionally harmed if they demonstrate severe:

- anxiety
- depression
- withdrawal, or
- self-destructive or aggressive behaviour.

Sexual Abuse: Sexual abuse is when a child is used (or likely to be used) for the sexual gratification of another person. It includes:

- touching or invitation to touch for sexual purposes
- intercourse (vaginal, oral or anal)
- menacing or threatening sexual acts, obscene gestures, obscene communications, or stalking
- sexual references to the child's body/behaviour by words/gestures
- requests that the child expose their body for sexual purposes
- deliberate exposure of the child to sexual activity or material, and
- sexual aspects of organized or ritual abuse.



DEFINITIONS *(continued)*

Sexual Exploitation: Sexual exploitation is a form of sexual abuse that occurs when a child engages in a sexual activity, usually through manipulation or coercion, in exchange for money, drugs, food, shelter or other considerations. Sexual activity includes:

- performing sexual acts
- sexually explicit activity for entertainment
- involvement with escort or massage parlour services, and
- appearing in pornographic images.

Children living on the street are particularly vulnerable to exploitation. Children in the sex trade are not prostitutes or criminals. They are victims of abuse.

Neglect: Neglect is failure to provide for a child's basic needs. It involves an act of omission by the parent or guardian, resulting in (or likely to result in) harm to the child. Neglect may include failure to provide food, shelter, basic health care, supervision or protection from risks, to the extent that the child's physical health, development or safety is, or is likely to be, harmed.

REGULATIONS

Within these regulations, "reason to believe" means that, based on observation or information received, the person believes that a child has been or is likely to be at risk. Proof is not required. The Child Welfare Worker may investigate and makes a determination whether abuse or neglect has occurred or is likely to occur.

1. Steps to be taken when an employee has reasonable grounds to believe that a child has been abused, when the alleged abuser is a person other than a school district employee, are as follows:

- a. Employees having a reasonable belief or suspicion that a child is or has been abused shall immediately report the information or incident to a Child Welfare Worker at the local office of the Ministry for Children and Families.
- b. The employee shall advise the principal that he or she has grounds to suspect child abuse and has notified the Ministry for Children and Families.



REGULATIONS *(continued)*

- c. If the employee has a concern but is not sure whether the concern amounts to a reason to believe that the child needs protection, the employee should consult with school officials and/or a Child Welfare Worker about whether the indicators observed are cause for concern or amount to reason to believe that the child needs protection.
 - d. The employee's responsibility is not discharged by reporting to any person other than a social worker who is the delegate of the Ministry for Children and Families.
 - e. School officials may support employees in consultations or reports but should not hinder any employee from consulting with a Child Welfare Worker about a concern.
 - f. Where a child is in imminent danger, school officials should notify the Royal Canadian Mounted Police (RCMP) immediately.
 - g. The investigation is under the authority of the Ministry for Children and Families and the RCMP.
 - h. The responsibility for informing the parents or guardians lies with the Ministry for Children and Families or the RCMP.
 - i. Although an educator may be asked to be present during an interview to provide support to the child, he or she is not required to be present when the child is interviewed.
 - j. If the child requests a support person to be present, the educator may request permission of the social worker or RCMP officer to attend the interview.
 - k. It is the responsibility of the social worker or RCMP to inform parents or guardians that an interview with their child is taking place.
- 2. Steps to be taken when an employee has reasonable grounds to suspect that a child has been abused when the alleged abuser is a school district employee are as follows:**
- a. Employees who have reason to believe that another employee, volunteer, contract service provider or other person on school property has abused a student must report the incident or information to the Superintendent of Schools and Director of Human Resources.



REGULATIONS (continued)

- b. Where there are allegations of child abuse by a school district employee, volunteer, contract service provider or other person on school property the Superintendent of Schools and the Director of Human Resources are responsible to investigate the allegations and report the matter to the RCMP in accordance with an interagency agreement to be negotiated between the Board of Education, Ministry for Children and Families, and the RCMP.
- c. The Superintendent and the Director of Human Resources will consult on the matter with the District Supervisor of the local Ministry for Children and Families office and the local RCMP officer in charge.
- d. School officials are expected to exercise judgment. Not every incident that might constitute an offence if proven will call for RCMP involvement. Where there is reason to believe that the alleged child abuse may constitute an offence under federal or provincial law calling for RCMP involvement, school officials should consult with the RCMP on the matter.
- e. The Superintendent of Schools and the Director of Human Resources will consult with Ministry for Children and Families and the RCMP as the investigations proceed and will act as necessary with respect to the *School Act*.
- f. No discussions regarding the alleged offence shall take place with the alleged offender until the RCMP, the Ministry for Children and Families, and the Superintendent of Schools consent to the discussion.
- g. The Principal of each school is responsible for annually updating all teachers, administrators, and support staff within the school of their responsibilities for reporting child abuse.
- h. The Director of Instruction (Learner Support) is responsible for updating and/or informing teachers teaching on call and casual staff during the annual orientation.

3. Steps to be taken where allegations of child abuse are made against school-aged students:

- a. Schools officials have the responsibility and authority under the *School Act* to investigate allegations that a student has abused another student within the school environment. School officials may take disciplinary or other remedial action.
- b. School employees and officials also have responsibility to take appropriate action to safeguard a student who is the victim of abusive conduct by other students at school and to notify the parents of the students involved.



REGULATIONS *(continued)*

- c. School officials may notify and/or consult the RCMP or a Child Welfare Worker where appropriate in accordance with proposed Interagency Protocols. School authorities have discretion in the circumstances of many minor offences whether to deal with a matter through the school discipline process or whether to contact the RCMP.