

POLICY

**SCHOOL DISTRICT NO. 53
(Okanagan Similkameen)**

CHILD PROTECTION

Reference: F-12

Approved: October 27, 2010

The Child, Family, and Community Services Act requires that anyone who has reason to believe that a child has been or is likely to be abused or neglected, and where the parent is unwilling or unable to protect the child, must report the suspected abuse or neglect to a child welfare worker at the Ministry for Children and Family Development or the Delegated Aboriginal Child and Family Services Agency.

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1. Areas of Responsibility

- 1.1 The overall responsibility to coordinate and communicate the child abuse and neglect policy for School District No. 53 lies with the superintendent of schools or designate.
- 1.2 The responsibility for the planning of an investigation of alleged child abuse involving district employees lies with the RCMP, MCFD, and the superintendent of schools or designate.
- 1.3 The principal of each school within the district is responsible for carrying out the School District No. 53 Child Abuse Prevention Policy with that school. This includes ensuring that:
 - a. at the beginning of each school year, school staff is aware of the importance of following district procedures concerning child abuse and neglect reporting;
 - b. staff members receive information about child abuse and neglect and is familiar with the B.C. Handbook for Action on Child Abuse and Neglect;
 - c. teachers responsible for teaching the Health and Career Education K-9 and Planning 10 curriculum in child abuse prevention have received the appropriate in-service;
 - d. students receive instruction on child abuse prevention as part of the Health and Career Education curricula;
 - e. all employees are aware that under the terms of the Child, Family and Community Service Act, they are immune from civil action in reporting suspected abuse cases based upon reasonable grounds.
- 1.4 Principals are responsible for providing in-service training programs for all school employees. Managers are responsible for providing the training for other employees and for reviewing procedures annually.
- 1.5 The assistant superintendent is responsible for the development and review on a "Resource Package on Child Abuse and Neglect" for distribution to all schools.
- 1.6 The assistant superintendent shall ensure that all counsellors employed in the district receive training in understanding the dynamics of child abuse and neglect, and in strategies to help teachers provide appropriate support in the classroom for the victim of abuse or neglect.
- 1.7 The superintendent of Schools is responsible to act on behalf of the school district in working with MCFD and the RCMP in the development and review of a trilateral protocol for the investigation of child abuse and neglect complaints and the monitoring of liaison with related agencies.
- 1.8 The superintendent of Schools shall ensure that the Board of Education shall receive information concerning general child abuse and neglect dynamics, reporting procedures, the trilateral protocol and the role of the Board of Education during an investigation.

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2. Definitions

The functional definitions listed below are included to aid in the clarification of a complex problem. Each abuse case must be viewed as unique and should always be considered within its own context, and not simply as fitting into one of the definitions described here. The prime consideration is, and must always remain, the child.

- 2.1 **PHYSICAL ABUSE:** means any non-accidental physical force or action that results in or could result in injury, impairment, intense or prolonged pain to a child or the child's death. It may include, but is not limited to, such actions as assaulting, burning, shaking, or poisoning.
- 2.2 **NEGLECT:** refers to situations in which a child has been or is likely to be physically harmed through action or inaction by those responsible for care of the child. This may include failure to provide food, shelter, basic care, supervision and protection from risks, to the extent that the child's physical health, development or safety is harmed. Now always intentional, neglect may be a result of insufficient resources or other circumstances beyond a person's control.
- 2.3 **EMOTIONAL ABUSE:** includes acts or omissions by those responsible for the care of a child or others in contact with a child, which are likely to produce serious emotional damage. Emotional abuse can include: pattern of scapegoating, rejection verbal attacks on the child, threats, insults, or humiliation. Emotional abuse may occur separately from or along with, other forms of abuse or neglect.
- 2.4 **EMOTIONAL HARM:** is evidenced by a child's behaviour and must be caused by parent's conduct. For the purposes of defining emotional harm, a child must demonstrate severe: anxiety, depression, withdrawal, self-destructive or aggressive behaviour.
- 2.5 **SEXUAL ABUSE:** refers to a range of sexual activity and behaviour perpetrated by a person in a position of trust, authority or power toward a child, with or without the child's consent. It includes one or more of the following: touching or invitation to touch for sexual purposes and intercourse, menacing or threatening sexual acts, obscene gestures, obscene communications or stalking, sexual references to the child's body for sexual purposes, deliberate exposure of the child to pornographic sexual activity or material.
- 2.6 **SEXUAL EXPLOITATION:** includes permitting, encouraging or requiring a child to engage in conduct of a sexual nature for the stimulation, gratification, or self-interest of another person, prostitution, or production of material of a pornographic nature.

3. Reporting Procedures

There are four common scenarios that are likely to occur in a school setting:

SCENARIO 1: Responding to Alleged Abuse or Neglect by a Parent, Caregiver, Friend, Relative or Other Person

SCENARIO 2: Responding to Alleged Abuse by a School Employee, Contracted Service Provider or Volunteer

SCENARIO 3: Responding to Alleged Abusive Behaviour by a Student Under 12 Years of Age

SCENARIO 4: Responding to Alleged Abusive Behaviour by a Student 12 Years and Over, Including Young Offenders

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SCENARIO 1: PROCEDURES FOR REPORTING CHILD ABUSE AND NEGLECT BY A PARENT, CAREGIVER, FRIEND, RELATIVE OR OTHER PERSON

STEP 1: Reporting

Report these concerns to child protection social worker. If the child is in immediate danger and requires police assistance, the RCMP should be called without delay.

STEP 2: Document the Information

Document your verbal report to the child protection social worker. Secure and maintain confidentiality of the document.

STEP 3: Notify the Principal

Notify the principal that you made a report to the child protection social worker.

Do not release the confidential information about the abuse allegation.

Inform the principal if you are concerned about reprisal being directed toward yourself or other school staff. Inform the principal if the child protection social worker wished to interview the child at school.

STEP 4: Do Not Contact the Parents

The child protection social worker will make the initial contact with the non-offending parent. The RCMP will contact the alleged offender.

STEP 5: The Investigations

The child protection social worker conducts a child protection investigation, ensures the safety of the student and contacts the RCMP. if a criminal investigation is necessary. The RCMP conducts the criminal investigation and interview the alleged offender.

STEP 6: Sharing of Information

Under the Child, Family and Community Services Act, a child protection social worker has the right to obtain information held by a school district if the information is necessary for the child protection social worker to do his/her job. The right overrides the Freedom of Information and Protection of Privacy Act and any other provincial legislation, but does not override federal legislation, including the Privacy Act, Young Offenders Act, or solicitor-client privilege. The child protection social worker and/or RCMP may share information about the investigation with school personnel on a need to know basis in order to ensure the safety and wellbeing of the student. The child protection social worker must report back to the reporter about the results of the investigation.

STEP 7: Support the Student

Be available to listen to and support the student. Consult with the school counsellor and, if necessary, refer the student for further assistance.

STEP 8: Going to Court

Any employee who is subpoenaed to court should ensure that his/her principal or manager is advised. Assistance in preparation for court appearance is available through the school district, BCPVPA, BCTF or CUPE legal services.

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SCENARIO 2: RESPONDING TO ALLEGED ABUSE BY A SCHOOL EMPLOYEE, CONTRACTED SERVICE PROVIDER OR VOLUNTEER

STEP 1: Reporting

If you have reason to believe that a child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by an employee, contracted service provider or volunteer, report promptly to a child protection social worker and notify the superintendent or designate. Do not notify the school employee, principal, contracted service provider or volunteer; that is the responsibility of the superintendent or designate.

STEP 2: Documentation

Document the verbal report and maintain confidentiality.

STEP 3: Response by MCFD, RCMP, and Superintendent of Schools

The superintendent of schools or designate collaborates with the RCMP and/or child protections and/or child protection social worker to assure the safety and well-being of the children involved and any others who may be at risk, clarify their respective roles and responsibilities and determine who will notify the parents of the actions taken. If the superintendent of schools considers that the welfare of students might be threatened by the presence of an employee, he/she may suspend that employee and report the circumstances to the Board of Education, as outlined under section 15 of the School Act.

STEP 4: Investigations

The superintendent of schools causes an investigation, on behalf of the Board of Education, as part of his/her legal responsibilities under section 15 of the School Act. Before interviewing a student or other witnesses, the superintendent of schools will consult with RCMP and/or child protection social worker to ensure that other investigations are not prejudiced.

The superintendent of schools is responsible for ensuring a safe school environment during the investigations, assisting the investigators in carrying out their responsibilities within the school setting, and ensuring that the required investigations are not interfered with or compromised by persons under the superintendent of school's authority.

The superintendent of schools, and any designates, facilitates the criminal investigation by not contacting the alleged offender unless doing so is required to fulfill legal responsibility. The superintendent of schools provides parents with information, subject to the relevant legislation, on the superintendent's investigation. The superintendent of schools, the RCMP, and the child protection social worker all have an interest in being kept apprised of the status of each others' investigations, subject to legal requirements on sharing information. If child protection is an issue and in order to ensure the safety of children, the superintendent of schools, the child protection social worker, and the RCMP will disclose information to each other consistent with the legislation that regulates them. School personnel should not contact the parents but should refer inquiries to the superintendent of schools, the child protection social worker, and/or the RCMP, as appropriate.

STEP 5: Provision of Counselling Services for Students and School Personnel

The superintendent of schools ensures that parents and students, or employees, are informed of the services available through schools such as counselling and provided with any related information related to the child's progress at schools following the alleged abuse.

STEP 6: Going to Court

Any employee who is subpoenaed to court should ensure that his/her principal or manager is advised. Assistance in preparation for court appearance is available through the school district, BCPVPA, BCTF or CUPE legal services.

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SCENARIO 3: RESPONDING TO ALLEGED ABUSIVE BEHAVIOR BY A STUDENT UNDER 12 YEARS

STEP 1: Report to the Principal

When abusive behaviour between students occurs at schools, school personnel should immediately notify the principal, who is responsible for student conduct.

STEP 2: Assessment of Student's Abusive Behaviour Principal, Reporter and/or other School Personnel

Abusive behaviour by a student under twelve years of age can occur in class, on or near school property, to and from school, while the student is at lunch and off the school grounds, or through the use of communications technology. A student may be in need of protection from another student.

If there is reason to believe that either student is in need of protection, then a report must be made to the child protection social worker. The student who perpetrated the abusive behaviour and the student who was victimized may both be in need of protection. Whenever a person has reason to believe that a student needs protection, a report must be made to a child protection social worker.

Children under twelve years of age are not thought to be able to form criminal intent and, therefore, are not charged under the Criminal Code of Canada if they commit a criminal offence. When a student under twelve years of age has killed, assaulted, or endangered another person, call the RCMP.

STEP 3: Report to a Child Protection Social Worker and/or the RCMP

Whenever a person has reason to believe that a student needs protection report must be made to a child protection social worker. If a student or staff member is in danger call the RCMP.

STEP 4: Document the Information

Document the verbal report and secure and maintain confidentiality of the report.

STEP 5: Initial Response of the Child Protection Social Worker and/or Principal

The child protection social worker, RCMP, when necessary, and the principal clarify and coordinate the role of each of the parties in order to ensure the safety and well-being of the students involved and any others who may be at risk.

When no report to a child protection social worker or RCMP is deemed necessary, the principal may:

- a. take disciplinary action against the student in accordance with the School Act, School Act Regulations, and the policies of the Board of Education;
- b. consult with staff or other professionals and/or refer the student who perpetrated the abusive behaviour and the victim for assessment;
- c. provide counselling services;
- d. develop a school safety and support plan to ensure the safety of students and staff.

In most cases, the principal is expected to contact parents of the student involved to ensure that they are aware when abusive behaviour between students has occurred at school or at an authorized school function.

STEP 6: Investigations by the Child Protection Social Worker, the Principal and/or the RCMP

A child protection social worker investigates to determine if a child needs protection and the RCMP investigate to determine whether a criminal offence has occurred. The principal investigates as part of his/her legal responsibilities.

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If the principal considers that the welfare of the students may be threatened by the presence of a student during the investigation, he/she may suspend that student and report the circumstances to the superintendent.

STEP 7: Information Sharing by the Principal and the Child Protection Social Worker

A child protection social worker may share information where it is necessary to ensure the safety or well-being of a child or is otherwise prescribed in the Child, Family and Community Service Act including sharing information with RCMP or a principal for the purposes of their respective investigations. Under the School Act, the principal may request information from the child protection social worker when a student under twelve is alleged to have abused another student. The child protection social worker will respond to the request in accordance with their legislation. Where a report has been made to a child protection social worker and the principal, all parties should consult to determine how the parents will be notified.

Where a report has been made to a child protection social worker, the principal will ensure that school personnel do not contact the parents of the student who was victimized.

STEP 8: Advise of Investigation Results

The child protection social worker is expected to report the result of the investigation to:

- a. the principal, if the child protection social worker determines this is necessary to ensure the student's safety or well-being;
- b. the person who reported the information that led to the investigation unless, in the opinion of the child protection social worker, doing so could cause physical or emotional harm to anyone, endanger the student's safety, or if there is a criminal investigation underway of the contemplated.

The principal will consult with the child protection social worker and/or RCMP before notifying the parents of the results of his/her investigation and will refer the parents to the child protection social worker or the RCMP for information on their investigations.

In a case where a report has been made to a child protection social worker and/or RCMP, the principal will notify the child protection social worker and/or RCMP of any disciplinary action and/or other recommendations taken with regards to a student, respecting the reported incident.

STEP 9: Provision of Counselling Services for the Student

The principal ensures that parents are informed of the counselling services available through the school and are provided with any information related to their child's progress at school following the alleged abuse. The principal may, in addition, collaborate with other professionals outside the school setting to develop follow-up plans or make a referral.

STEP 10: Going to Court

Any employee who is subpoenaed to court should ensure that his/her principal or manager is advised. Assistance in preparation for court appearance is available through the school district, BCPVPA, BCTF or CUPE legal services.

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SCENARIO 4: RESPONDING TO ALLEGED ABUSIVE BEHAVIOR BY A STUDENT 12 YEAR OF AGE AND OVER, INCLUDING YOUNG OFFENDERS

STEP 1: Report to the Principal

When abusive behaviour between students occurs at school, school personnel should immediately notify the principal, who is responsible for school conduct.

STEP 2: Assessment of Student's Abusive Behaviour by Principal, Reporter and/or other School Personnel

Abusive behaviour at school by a student twelve years of age or over can occur in class, on or near school property, to and from school, while the student is at lunch and off the school grounds, or through the use of communications technology. A student may be in need of protection from another student. If there is reason to believe that either student is in need of protection, then a report must be promptly made to the child protection social worker. The student who perpetrated the abusive behaviour and the student who was victimized may both be in need of protection (i.e. exhibiting learner behaviour of aggression and/or victimization).

STEP 3: Report to a Child Protection Social Worker and/or the RCMP

Whenever a person has reason to believe that a student needs protection, a report must be made to a child protection social worker. If a student or staff member is in danger call the RCMP. The RCMP should also be called if a criminal offence may have occurred.

STEP 4: Document the Information

Document the information, secure it and maintain confidentiality.

STEP 5: Initial Response of the Child Protection Social Worker, and/or Principal

The child protection social worker, RCMP (when necessary) and the principal clarify and coordinate the role of each of the parties in order to:

- a. ensure the safety and well-being of the students involved and any others who may be at risk;
- b. clarify their respective roles and responsibilities;
- c. determine who will notify the parents.

When no report to a child protection social worker or RCMP is deemed necessary, the principal may:

- a. take disciplinary action against the student in accordance with the School Act, School Act Regulations, and policies of the Board of Education;
- b. consult with staff or other professionals and/or refer the student who perpetrated the abusive behaviour and the victim for assessment;
- c. provide counselling services;
- d. develop a school safety and support plan to ensure the safety of students and staff.

Parents are entitled to be informed of their child's behaviour in school. In most cases, principals are expected to contact parents of the students involved to ensure that they are aware when abusive behaviour between students has occurred at school or at an authorized school function.

If, however, an incident results in a report to a child protection social worker or RCMP the principal will consult with the child protection social worker or RCMP regarding notification of parents.

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STEP 6: Investigations by the Child Protection Social Worker, the Principal and/or the RCMP

The child protection social worker investigates to determine if a child needs protection and the RCMP investigate to determine whether a criminal offence has occurred. The principal investigates, as part of his/her legal responsibilities as controller of student discipline.

If the principal considers that the welfare of students might be threatened by the presence of a student during the investigation he/she may suspend that student and report the circumstances to the superintendent or designate. Where a student is suspended or expelled and there is an existing court order under the Young Offenders Act that the student attend school, the principal should advise the youth probation officer so that the order can be varied, if necessary.

STEP 7: Information Sharing by the Principal, the Child Protection Social Worker, and/or the RCMP

Child protection social workers have the right to any information that is in the custody or control of the public body, including a school district. If necessary the child protection social worker will access information in order to enable the child protection social worker to exercise his/her powers or perform the duties under the Child, Family and Community Service Act.

A child protection social worker may share information where it is necessary to ensure the safety or well-being of a child for the purposes of investigations.

The principal may request information from the child protection social worker and/or the RCMP when a student twelve or over is alleged to have abused another student. The child protection social worker and the RCMP will respond to the request in accordance with their legislation.

Where a report has been made to a child protection social worker, the RCMP and/or the principal, all parties should consult to determine how the parents will be notified. Where a report has been made to a child protection social worker, RCMP and/or the principal all parties will ensure that school personnel do not contact the parents of the student who was victimized.

STEP 8: Advise of Investigation Results

The child protection social worker must make reasonable efforts to report the result of the investigation to:

- a. the principal, if the child protection social worker determines this is necessary to ensure the student's safety or well-being;
- b. to the person who reported the information that led to the investigation unless, in the opinion of the child protection social worker, doing so could cause physical or emotional harm to anyone, endanger the student's safety, or if there is a criminal investigation under way or contemplated.

The principal will consult with the child protection social worker and/or RCMP before notifying the parents of the results of his/her investigation.

In a case where a report has been made to a child protection social worker and/or RCMP, the principal will notify the child protection social worker and/or RCMP of any disciplinary action and/or other recommendations taken regarding a student, with respect to the reported incident.

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STEP 9: Provision of Counselling Services for the Student

The principal ensures that parents are informed of the services through the school such as counselling and are provided with any information related to their child's progress at school following the alleged abuse. The principal may, in addition, collaborate with other professionals outside the school setting to develop follow-up plans or make a referral.

STEP 10: Going to Court

Any employee who is subpoenaed to court should ensure that his/her principal or manager is advised. Assistance in preparation for court appearance is available through the school district, BCPVPA, BCTF or CUPE legal services.

Resources:

B.C. Handbook for Action on Child Abuse and Neglect

http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf

Responding to Child Welfare Concerns

http://www.mcf.gov.bc.ca/child_protection/pdf/child_welfare_your_role.pdf

School Act