

School District #62 (Sooke)

CHILD ABUSE	No.: C-410
	Effective: July 8/86 Rev: Mar. 24/87; June 26/90; July 6/05; Feb. 22/11

ADMINISTRATIVE REGULATIONS

It is the belief of the Board that cases of physical or sexual abuse of children which come to the attention of Board employees must be dealt with quickly and efficiently according to the *Child, Family and Community Service Act*. The District’s approach must be consistent and prudent. The procedures must be understood clearly by all employees and great caution must be taken to protect the privacy and reputation of child abuse victims and those accused of child abuse who are not convicted.

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1. Areas of Responsibility

- 1.1 The overall responsibility to coordinate and communicate the Child Abuse policy (C-410) for School District No. 62 (Sooke) lies with the Superintendent of Schools, or designate.
- 1.2 The responsibility for the planning of an investigation of alleged child abuse involving School Board employees lies with the RCMP, Ministry of Children and Family Development, and the Superintendent of Schools, or designate.
- 1.3 The Principal of each school within the district is responsible for carrying out the Child Abuse policy (C-410) within that school. This includes:

(a) ensuring at the beginning of each year that the school staff is aware of the following district procedures child abuse and neglect and reporting;

(b) ensuring that each staff member receives information about child abuse and neglect and is familiar with the BC Handbook for Action on Child Abuse and Neglect;

(c) ensuring that all employees are aware that under the Child, Family and Community Service Act , they are protected from legal action in reporting suspected abuse cases based on reasonable grounds and libel if they do not.

- 1.4 The Superintendent, or designate, shall ensure that all school counsellors and youth and family counsellors employed in the school 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 child abuse and neglect.

NOTE: Copies of The BC Handbook for Action on Child Abuse and Neglect are available by faxing a request to the Distribution Centre-Victoria at (250)952-4559 or phone (250) 952-4460. The Handbook is also online at:
www.mcf.gov.bc.ca/child_proterction/pdf/handbook_action_child_abuse.pdf

1. **CHILD ABUSE - DEFINITIONS**

For the purpose of this policy and accompanying regulations, "Child Abuse" will include sexual abuse, and exploitation, physical abuse, emotional abuse and neglect.

Sexual Abuse and Exploitation: Is defined as any sexual exploitation of a child. It may also include any behaviour of a sexual nature towards a child. A child is not considered legally able to consent to sexual touching or activity with an adult.

Physical Abuse: Is defined as any physical force or action which results in or is likely to result in a non-accidental injury to a child and which exceeds that which could be considered reasonable discipline.

Emotional Abuse: Emotional abuse is often difficult to define and recognize. It may range from habitual humiliation of the child to withholding life-sustaining nurturing. It can include acts or omissions by those responsible for the care of a child or others 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.

Emotional abuse can include a pattern of:

- scapegoating;
- rejection;
- verbal attacks on the child;
- threats;
- insults; or
- humiliation.

Neglect: Is defined as the failure on the part of those responsible for the care of the child to provide for the physical, emotional or medical needs of a child to an extent that the child's health, development or safety is endangered.

Child: For the purposes of these regulations, the term "child" will refer to any person under 19 years of age. (*Child, Family and Community Service Act*, Section 13, p. 13; BC Handbook p. 23-25)

2. The school board expects its employees to take seriously any comments made by children, or behaviours displayed by children, that may indicate abuse.
3.
 - a). The school board specifically directs any employee who has reason to believe that a child is being physically or emotionally neglected or abused, to report the circumstances to the Ministry for Child and Family Development, as outlined below.
 - b). When a parent informs a teacher of suspected child abuse, the parent should be directed to report the concern to the Ministry for Child and Family Development. The teacher must contact the Ministry for Child and Family Development to ensure that the parent has reported said concern.
4. The duty to report suspected child abuse applies to everyone in the School District, regardless if it is believed that someone else is reporting the situation. An employee who breaches the duty to report a child that may be in need of protection commits an offence and is liable to a fine of up to \$10,000.00 or to imprisonment for up to 6 months, or to both. An employee who breaches the duty to report may also be liable to disciplinary action. Section 14(5) of the *Child, Family and Community Service Act (CFCS)* protects any person making a report from liability unless the person knowingly reports false information.
5. The board expects that all such reports and records of reports shall be dealt with in a highly confidential manner. Employees are responsible for the content and security of all reports and personal records which they retain.
6. The board recognizes the need to implement and maintain prevention/awareness programs for both students and employees.

Procedures:

1. Any employee who has reason to believe that a child is being abused shall immediately:
 - i) ensure the safety and well being of the child,
 - ii) report the circumstances to the Ministry for Child and Family Development, and the Superintendent of Schools,
 - iii) document, in writing, the contents of the report,
 - iv) seal and secure a written report containing:
 - a. the name, age, grade, address, and telephone number of the child;
 - b. the names of the parents and/or guardians;
 - c. the reasons for concern and any relevant statements made by the child;
 - d. the name of the employee making the call;
 - e. the name of the intake social worker receiving the information;
 - f. time and date the call was made,
 - v) maintain confidentiality – discuss the matter with no one except on a need to know basis.

Note: *Teachers who report other teachers suspected of child abuse do not contravene the B.C.T.F. Code of Ethics in making a report of suspected child abuse.*

CHILD ABUSE PROTOCOL

The BC Handbook for *Action on Child Abuse and Neglect* outlines the procedures to be followed in the implementation of the Child Abuse Policy/Regulations C-410 in School District No. 62 (Sooke).

PRINCIPLES

1. The primary responsibility for protection of the child from child abuse rests with the parent.
2. School Board employees are "in loco parentis" with regard to children on school district property or involved in activities sanctioned under the School Act. Employment by the school board places a direct responsibility on employees for the protection of students from child abuse.
3. This protocol comes into effect when the protection afforded a child in #1 and #2 breaks down.
4. The procedures in The BC Handbook for *Action on Child Abuse and Neglect* and the *Child, Family and Community Service Act* provide a framework which is designed to ensure that staff understand they have a responsibility to respond effectively, quickly and sensitively to a report that a child is, or may be, a child abuse victim.

THE LAW

When a child is believed to be in need of protection, the *Child, Family and Community Service Act* comes into force. With regard to the procedures outlined in this Act the following sections of the law provide the basis for coordinated action.

Section 2 – Guiding Principles

In the administration and interpretation of this Act, the safety and well being of a child shall be the paramount considerations (CFCS, p.7-9; BC Handbook p. 14-15).

Section 14 - Duty to Report Need for Protection

1. A person who has reasonable grounds to believe that a child is in need of protection shall forthwith report the circumstances to the Director of Ministry of Children and Family Development or a person designated by the Director to receive such reports.
2. The duty under subsection (1) overrides a claim of confidentiality or privilege by a person following any occupation or profession, except a claim founded on a solicitor and client relationship.
3. No action lies against a person making a report under this section unless he makes it maliciously or without reasonable grounds for his belief.
4. A person who contravenes subsection (1) commits an offence. (CFCS, Section 14, p. 15; BC Handbook p. 40-46).

Section 18 & 19 - Access to Child To Investigate Complaints

When a Director of MCFD has received a report that a child is in need of protection, he/she shall investigate the circumstances, and if the parent or any other person refuses to allow child protection workers to have access to the child, the Director may apply ex parte to a judge in person or by telephone for a warrant authorizing child protection workers to enter and search a place specified in the warrant in order to investigate whether the child is in need of protection, and the judge may issue the warrant on being satisfied that access to the child is necessary to the investigation. (CFCS, Section 19, p. 18; BC Handbook p. 49-50).

Part 5 – Freedom of Information and Protection of Privacy Act

1. No person shall disclose information obtained under this Act respecting an individual except
 - a) Section 24 (Confidentiality of Information) of the *Child, Family and Community Service Act*, or
 - b) *Freedom of Information and Protection of Privacy Act* subject to section 74.
- 1.1 Notwithstanding subsection (1), Director of MCFD may, without the consent of any person, disclose information obtained under this Act respecting an individual
 - a) to any person if the Director of MCFD considers that disclosure of the information is necessary to ensure the safety or well being of a child (section 79, p. 61).

Section 101 - Protection From Liability

No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of

- a) a power, duty or function conferred under the *Child, Family and Community Service Act*, or
- b) a power, duty or function on behalf of or under the direction of a person on whom the duty or function conferred under the *Child, Family and Community Service Act*.

CHILD ABUSE PROTOCOL

1. PROCEDURE TO BE FOLLOWED WHEN THE ALLEGED OFFENDER IS OUTSIDE THE SCHOOL SYSTEM
 - 1.1 Employees having a reasonable belief or suspicion of abuse shall report immediately to the local Ministry of Children and Family Development (MCFD) office. The employee's responsibility is not discharged by reporting to any person other than a social worker who is the delegate of the Director of Ministry of Children and Family Development.
 - 1.2 Employees who have a reasonable belief or suspicion a child is in need of protection shall also report the circumstances to the school principal.
 - 1.3 If the report indicates either physical or sexual abuse, the Ministry of Children and Family Development will immediately notify the RCMP.
 - 1.4 Employees must not interview the child. Any statement made by a child to a school board employee who indicates that the child is, or may be, an abuse victim must be recorded in the child's own words. School employees, while offering support, must not prompt continued discussion of the details with the child. Disclosure interviews will be conducted by RCMP and/or Ministry of Children and Family Development child protection workers. This procedure will significantly reduce the trauma of disclosure for the child.
 - 1.5 In the event that the child has a disabling condition which impedes his/her ability to communicate (for example, hearing impaired, E.S.L., or mentally handicapped), this problem should be drawn to the attention of the social worker when the report is made. The social worker may request interviewing assistance through the office of the Superintendent of School District No. 62 (Sooke) or his delegate. The interviewer should have expertise respecting the particular handicap.
 - 1.6 In all child abuse cases, school principals, when requested, are required to provide pertinent information and to allow the investigating social worker and the police to interview the child in the school.
 - 1.7 Although a teacher may be requested to be present during an interview to provide support to the victim, a teacher *is not required* to be present when the child is interviewed. However, if the child wishes a support person to be present, the teacher may request permission from the child protection worker to attend the interview.
 - 1.8 The school ***MUST NOT CONTACT*** parents unless specifically asked to do so by the investigating social worker or by the police officer.
 - 1.9 Representatives of both the Ministry of Children and Family Development and the RCMP will endeavour to provide feedback to those educators directly involved regarding the outcome of the investigations. In addition, if a child is remanded by either the Ministry of Children and Family Development or the RCMP, the school principal will be informed of this apprehension as soon as possible. However, confidentiality respecting details of the case is required by Section 24 of the *Child, Family and Community Service Act* and Section 74 of the *Freedom of Information and Protection of Privacy Act*.

The Ministry of Children and Family Development and/or the RCMP will inform the school principal as soon as practicable of any criminal or family court orders that restrict direct or indirect contact with a child.

2. PROCEDURE TO BE FOLLOWED WHEN THE ALLEGED OFFENDER IS AN EMPLOYEE OF THE SCHOOL SYSTEM

2.1 A school board employee who has a reasonable belief or suspicion that a child is being, or has been, physically or sexually abused by a school board employee, shall immediately report the circumstances to the Ministry of Children and Family Development.

NOTE: *Confidentiality with regard to this report will be protected during the investigation as per Section 14 of the CFCS Act.*

2.2 The Ministry of Children and Family Development child protection worker will contact the police immediately and arrange a time to meet to review the report and decide on an initial investigation plan.

2.3 *NO DISCUSSIONS REGARDING THE ALLEGED OFFENCE SHALL TAKE PLACE WITH THE ALLEGED OFFENDER UNTIL THE POLICE CONSENT TO THE DISCUSSION.*

2.4 The investigation plan must include a provision for immediate involvement of the Superintendent of School District No. 62, or his delegate. Involvement of other school district personnel such as school principals in the investigation is to be arranged by the Superintendent of School District No. 62, or his delegate, in consultation with the RCMP.

2.5 The child protection worker must consult with the team leader and/or the area manager of the Ministry of Children and Family Development before, or as soon as possible after the initial planning meeting with the RCMP.

2.6 The child protection worker will inform the Superintendent of Schools of

- a) the progress of the investigation to determine if any child is in need of protection, and
- b) what action is or will be taken.

2.7 The police may proceed independently according to their mandate under the Criminal Code and Police Act, but will attempt to meet with the Superintendent of Schools and the child protection worker involved before pursuing further investigation (e.g. interviewing any school personnel). This meeting is for the purpose of clarifying roles and facilitating the police investigation on school premises.

2.8 After consultation with the Ministry of Children and Family Development and the RCMP, the Superintendent of Schools is responsible for ensuring the parents of children who may have been affected have been notified.

- 2.9 Whenever child abuse is verified, the child protection worker or the RCMP will provide results of their investigation to all parties involved with the investigation. The results will include only relevant information to enable the Board of Education to take appropriate remedial, and/or disciplinary action, whether or not criminal charges also result.

Whenever the investigation by the RCMP and child protection worker indicates that child abuse did not occur or cannot be founded, the Superintendent of School District No. 62 will be notified and reasons will be given insofar as confidentiality laws permits. Further action is the responsibility of the Superintendent of Schools and/or his delegate. The RCMP and the Ministry of Children and Family Development will close the case as per established procedures.

3. PROCEDURE TO BE FOLLOWED WHEN SUSPENSION OF AN EMPLOYEE IS CONTEMPLATED

3.1 Dismissal and/or Discipline for Misconduct

- a) Subject to subsections 15.4 and 15.5 of the School Act, a board shall not dismiss, suspend or otherwise discipline an employee covered by a collective agreement except for just and reasonable cause.
- b) When the school district administration is made aware through a parent, a principal or another source of a situation that may require Board consideration under subsections 15.4 and 15.5 of the *School Act*, an investigation is undertaken by the school district in co-operation with the Ministry of Children and Family Development and the local RCMP. Remedial action by a school board is not dependent on criminal charges being laid or criminal conduct having occurred.
- c) Where a teacher has been charged with a criminal offence and the Board believes the circumstances make it inadvisable for the teacher to continue his/her duties, the board may suspend the teacher under subsection 15.4 of the *School Act*.
- d) If the Superintendent of Schools is of the opinion that the protection of the students is threatened by the presence of an employee, the Superintendent may suspend the employee, with pay, from the performance of his or her duties under subsection 15.5 of the *School Act*.
- e) When the Superintendent suspends an employee under subsection (5), the Superintendent shall immediately notify the Board. When the Board is notified, it shall as soon as practicable, confirm, vary or revoke the suspension and shall, where the Board confirms and continues the suspension, determine if the continuation of the suspension shall be with or without pay. Should the Board decide to continue the suspension the length of the suspension will be determined by the Board.
- f) All Board actions pertaining to discipline and/or dismissal of employees for misconduct will be in accordance with the Salary Agreement.

4. PROCEDURE TO BE FOLLOWED WHEN AN EMPLOYEE HAS BEEN FALSELY ACCUSED

- 4.1 Where the School District administration is made aware by any source that an employee has been falsely accused under Section 15 of the *School Act*, then the Board stands ready to assist that person wherever and whenever possible.

5. RESPONSIBILITY OF EMPLOYEES

- 5.1 Employees should conduct themselves in a manner which maintains a student-adult relationship built on trust and mutual respect for the rights of each.
- 5.2 Employees should refrain from any behaviour through word or action which might be construed as "suggestive" or "abusive" either sexually, emotionally or physically.
- 5.3 Employees should ensure that they are aware of the district policy and procedures on child abuse and neglect.

6. EDUCATION PROGRAMS FOR PROTECTION OF CHILDREN

- 6.1 The Board recognizes the need to implement and to maintain prevention/awareness programs for both students and personnel.
- 6.2 The District shall provide personal safety programs to educate students, staff and parents as to how to protect children from abuse.
- 6.3 The School District shall assist employees in becoming more aware of their responsibility regarding proper identification and reporting procedures as outlined in the BC Handbook for *Action* on Child Abuse and Neglect.

7. PROCEDURE TO BE FOLLOWED WHEN THE ALLEGED OFFENDER IS A STUDENT OF ANY AGE WHO IS ENROLLED IN SCHOOL DISTRICT NO. 62

- 7.1 Any school board employee who has reasonable grounds for suspecting that a child is being, or has been sexually assaulted by another student, shall immediately report the circumstances to the Ministry of Children and Family Development and to the principal.
- 7.2 The child protection worker will notify the RCMP and a joint plan will be made.
- 7.3 After the report is made, further discussions with the children involved and their parents must be approved by the child protection worker and the RCMP.
- 7.4 The child protection worker and/or police officer will inform the school principal of the plan and provide progress reports as needed, or as appropriate, within the bounds of the provisions for confidentiality.

NOTE: The definition of sexual abuse in the Child Abuse Handbook was written with adult sexual abuse of children in mind. Normal, age appropriate sexual behaviour between children is not sexual abuse. When a report of child to child sexual abuse is made, the social worker will investigate to determine:

- i) if either child is in need of protection because he or she is a victim of sexual abuse by an adult.
- ii) if either child is in need of treatment through Child and Youth Mental Health Services, or other appropriate counselling agencies. When the RCMP get involved, it will be to determine if a criminal act has occurred.

8. SUGGESTIONS FOR DEALING WITH DISCLOSURE

- 8.1 Assure the child that he/she is not at fault.
- 8.2 Assure the child that disclosing was the right thing to do.
- 8.3 Do not question the child beyond establishing that there is reason to believe that abuse/neglect has occurred.
- 8.4 Do not contact the child's parents or guardians.
- 8.5 School district employees are not required to attend an investigation interview but may request permission to attend.
- 8.6 MCFD child protection workers and RCMP must be permitted to interview the child.
- 8.7 The school has been determined to be a suitable "neutral" interview site.
- 8.8 MCFD and/or the RCMP will attempt to inform the person making the report of the outcome of the investigation.
- 8.9 The person who receives a disclosure of child abuse will document details of disclosure or symptoms including date, time and to whom disclosure was reported.

9. Ministry of Children and Family Development Phone Numbers:

Westshore: 250-391-2223

Sooke: 250-642-7748

(If you are unable to contact the local Ministry of Children and Family Development Office, or if it is after hours, phone 250-310-1234).

- 10. If the report of child abuse by a school board employee emanates from a person who is NOT employed by the school district, the procedures in this protocol will be followed insofar as they are appropriate.

Superintendent of Schools, School District No. 62 (Sooke)

Date

Chairperson of the Board of Education

Date

Westshore R.C.M.P.

Date

Sooke R.C.M.P.

Date

MCFD - Sooke Office

Date

MCFD - Langford Office

Date

Solicitor General

Date

C.R.D. Community Health Service

Date

Westshore Child and Youth Mental Health

Date