

CHILD PROTECTION

Background

The school district is committed to a comprehensive, coordinated and collaborative approach for responding to child abuse and neglect. Every person who has reason to believe that a child needs protection under Section 13 of the *Child, Family and Community Services Act* must report this belief promptly to the Ministry of Children and Family Development.

The purpose of this administrative procedures is to support a comprehensive, coordinated and collaborative approach for responding to child abuse and neglect by:

- Ensuring that child abuse prevention programs are provided to students.
- Ensuring that employees and other persons working in schools are provided with training in recognizing signs of child abuse and neglect
- Ensuring that employees and other persons working in schools are provided with direction and training on their legal obligation to report child abuse and neglect.
- Requiring the school district to investigate and/or report to the RCMP allegations of child abuse involving current and former school district employees, volunteers or contract service providers.

Definitions

“Child” is a person under the age of 19 years.

“Child abuse” can take the form of physical or emotional abuse, sexual abuse or exploitation, neglect or abandonment by a child's parent, or by another person if the parent is unwilling or unable to protect the child. See the *BC Handbook for Action on Child Abuse and Neglect for Service Providers and Responding to Child Welfare Concerns* (see Appendix)

“Child needs protection” – The *Child, Family and Community Service Act* defines a child as being in need of protection if:

- a) the child has been, or is likely to be, physically harmed by the child's parent;
- b) the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- c) the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
- d) the child has been or is likely to be, physically harmed because of neglect by the child's parent.
- e) The child is emotionally harmed by the parent's conduct;

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- f) The child is deprived of necessary health care;
- g) The child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment.'
- h) The child's parent is unable or unwilling to care for the child and has not made adequate provisions for the child's care;
- i) The child is or has been absent from home in circumstances that endanger the child's safety or well-being;
- j) The child's parent is dead and adequate provision has not been made for the child's care;
- k) The child has been abandoned and adequate provision has not been made for the child's care; or
- l) The child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

"Child welfare worker" is a person delegated under the *Child, Family and Community Service Act* to provide child welfare services, including responses to suspected child abuse and neglect. The Ministry of Children and Family Development and fully delegated Aboriginal child and family service agencies employ child welfare workers who are authorized to respond to suspected child abuse and neglect.

"Parent" means:

- a) the guardian of the child,
- b) the person legally entitled to the custody of the child, or
- c) the person who usually has the care and control of the child.

"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.

Procedures

1. All school district employees must be aware of and alert to the signs of child abuse or neglect and know their responsibilities regarding reporting, including circumstances involving colleagues. Therefore, the Superintendent of Schools will ensure that the following procedures and processes exist:

1.1. RECOGNIZING CHILD ABUSE AND NEGLECT

- 1.1.1. Child abuse can take physical, sexual or emotional forms, or may take the form of parental neglect. The descriptions of physical abuse, emotional abuse, emotional harm, sexual abuse, sexual exploitation and neglect contained in the *BC Handbook for Action on Child Abuse and Neglect for Service Providers and Responding to Child Welfare Concerns* (see Appendix) should be applied.

1.2. REPORTING AND INVESTIGATION

- 1.2.1. Section 14 of the *Child, Family and Community Service Act* makes it a legal duty of every person who has reason to believe that a child needs protection to report that belief to a child welfare worker.
- 1.2.2. Where a child is in imminent danger, school district employees should notify the RCMP immediately.
- 1.2.3. The Superintendent of Schools, or designate, will coordinate with responsible agencies and investigate allegations of child abuse against school district employees.
- 1.2.4. Where Allegations of Child Abuse or Neglect Involve the Conduct of Parents or Parental Failure to Protect a Child
 - 1.2.4.1. School-based employees who make reports to a child welfare worker or the police should inform their school principal. District staff should inform the Superintendent of Schools.
- 1.2.5. Where Allegations of Child Abuse are Made Against School District Employees, Volunteers, Contract Service providers or Others in the School Setting
 - 1.2.5.1. 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 or the Director of Human Resources.
 - 1.2.5.2. Where there are allegations of child abuse by a school district employee, the Superintendent of Schools, or designate, is responsible for investigating the allegations and/or reporting the matter to the RCMP.
 - 1.2.5.3. The Superintendent of Schools has the authority under Section 15 of the *School Act* to suspend an employee whose presence threatens the welfare of students.
 - 1.2.5.4. The Board of Education has the authority under the *School Act* to suspend any employee who is charged with a criminal offence.
 - 1.2.5.5. Where there are allegations of child abuse by a volunteer, the school principal has the authority to prohibit the volunteer's attendance at school, in accordance with Section 177 (2) of the *School Act*.

- 1.2.5.6. Where there are allegations of child abuse by a contracted service provider, the Superintendent of Schools has the authority to prohibit the service provider's presence on school property.
 - 1.2.5.7. Where there are allegations of child abuse by other persons, the Superintendent of Schools or the school principal has the authority under Section 177 of the *School Act* to prohibit the person's attendance on school premises and to seek the assistance of the RCMP.
 - 1.2.5.8. School employees who hold teaching certificates have an obligation under Section 27.1 of the *Teaching Act* to report to the Teacher Regulation Branch of the Ministry of Education if they have reason to believe that another certificate holder is guilty of professional misconduct involving physical harm to a student, sexual abuse or sexual exploitation of a student or significant emotional harm to a student.
 - 1.2.5.9. The Superintendent of Schools is required under Section 16 of the *School Act* to report to the Teacher Regulation Branch of the Ministry of Education the dismissal, suspension or discipline of a holder of a teaching certificate.
 - 1.2.5.10. The Superintendent of Schools may have a duty to report the dismissal or termination of an employee to another professional body (e.g. B.C. College of Psychologists, College of Registered Nurses of B.C.).
 - 1.2.5.11. If the circumstances indicate that a civil claim is likely to be made against the school district, its staff or volunteers, as a result of the incident, the Secretary Treasurer is responsible for ensuring that a report is made to the Schools Protection Program.
- 1.2.6. Where Allegations of Abuse are made Against School-Aged Students
- 1.2.6.1. School district employees have the responsibility and authority under the *School Act* to investigate allegations that a student has abused another student within the school environment.
 - 1.2.6.2. The principal, or designate, has the 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. The principal, or designate, may notify and/or consult the RCMP or a child welfare worker.

1.2.6.3. School-based employees who make reports to a child welfare worker or the police should inform their school principal. District staff should inform the Superintendent of Schools.

1.2.6.4. If the circumstances indicate that a civil claim is likely to be made against the school district or its staff or volunteers as a result of the incident, the Secretary Treasurer is responsible for ensuring that a report is made to the Schools Protection Program.

1.3. RESPECTING THE RIGHTS OF ACCUSED INDIVIDUALS

1.3.1. Individuals under investigation regarding allegations of child abuse or neglect may have contractual or other legal rights during the investigative process. School district investigations will be conducted in a manner that is respectful of these rights.

1.4. TRAINING AND EDUCATIONAL PROGRAMS

1.4.1. The Superintendent of Schools will ensure that district employees receive training annually on how to recognize signs of child abuse or neglect, how to respond to reports of child abuse or neglect and standards of conduct for employees, volunteers and service providers governing their interactions with students.

1.4.2. The Superintendent of Schools will ensure that child abuse prevention programs are provided to students in accordance with the Ministry of Education's prescribed learning outcomes.

Reference: Sections 7, 9, 15, 16, 17, 20, 22, 65, 79, 85, 177 *School Act*
Section 13, 14 *Child, Family and Community Service Act*
Freedom of Information and Protection of Privacy Act
Section 32.2 *Health Profession Act*
Section 27.1 *Teacher Profession Act*
Criminal Code of Canada
B.C. Handbook for Action on Child Abuse and Neglect –For Service Providers, 2007
Responding to Child Welfare Concerns, 2007
Responding to Child Welfare Concerns – Your Role in Knowing When and What to Report
Interagency Protocol for Reporting and Investigation of Child Abuse and Neglect
Delegated Indigenous Child and Family Services Agency Protocol
Criminal Code of Canada
BCTF Code of Ethics

APPENDIX

- *The B.C. Handbook for Action on Child Abuse and Neglect*, (June 2017) Ministry of Children and Family Development, https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/public-safety/protecting-children/childabusepreventionhandbook_serviceprovider.pdf
- Responding to Child Welfare Concerns, (March 2017) Ministry of Children and Family Development
http://www.mcf.gov.bc.ca/child_protection/pdf/child_welfare_your_role.pdf