

Child Protection / Child Neglect and Abuse Regulation

1310-10 | Child Protection / Child Neglect and Abuse Regulation

Date Approved: October 11 2011

Date Amended:

Board Procedures for Reporting Child Abuse and Neglect

1.0 Definitions:

1.1 “Child Welfare Worker” in these procedures refers to 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 authorized to respond to suspected child abuse and neglect.

1.2 “Interagency Child Abuse / Neglect Reporting and Investigation Protocol” refers to the interagency agreement between the Board of Education of School District No. 52 (Prince Rupert), Ministry of Children and Family Development Child Welfare Authority, Nishga’a Child and Family Services, Northwest Inter-Nation Family and Child Services, and the Prince Rupert RCMP, dated October __, 2011, as amended from time to time, setting out responsibilities of the respective agencies in reporting and responding to situations involving concerns about child abuse or neglect.

1.3 “Parent” (CFCSA s. 1) includes someone with whom a child resides and who stands in place of a parent (except if placed there by Ministry of Children and Family Development or a delegated Aboriginal Child and Family Services Agency).

1.4 “Police” refers to the Prince Rupert Royal Canadian Mounted Police (RCMP) local detachment.

1.5 “Superintendent” refers to the Board’s Superintendent of Schools appointed under the School Act and includes any person designated by the Superintendent to fulfill the Superintendent’s responsibilities described herein.

2.0 Where allegations of child abuse or neglect involve the conduct of parents or parental failure to protect a child

2.1 Reporting to a Child Welfare Worker

The Child, Family and Community Service Act makes it a legal duty (CFCSA s. 14) of every person who has reason to believe that a child “needs protection” as defined in that Act (CFCSA s. 13) to report the matter to a Child Welfare Worker.

The definition of when a child “needs protection” includes circumstances of physical harm, sexual abuse and exploitation or emotional harm by a child’s parent, or by another person if the parent is unwilling or unable to protect the child. It also includes circumstances of parental neglect and abandonment.

2.2 “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. (Further discussion and examples may be found in the BC Handbook for Action on Child Abuse and Neglect for Service Providers.)

A Board employee who has reason to believe that a child "needs protection", must make a report to a Child Welfare Worker. 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. 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.

2.3 Reporting to the police

Abused or neglected children may be victims of offences under the Criminal Code of Canada such as physical or sexual assault; sexual exploitation; failure to provide the necessities of life; or criminal negligence causing bodily harm.

Where a child is in imminent danger, school officials should notify the police immediately.

Not every incident that might constitute an offence (e.g., a minor physical assault) warrants police involvement. Where a report is made to a Child Welfare Worker, normally the Child Welfare Worker will decide whether there is reason to believe that there has been a criminal offence committed that warrants police involvement and, if so, the matter is reported by the Child Welfare Worker to the police in order that they can exercise their law enforcement duties.

If school employees have any question as to whether conduct should be reported to the police, they should consult with school officials and/or a Child Welfare Worker.

2.4 Reporting to Board Officials

Employees who make reports to a Child Welfare Worker should inform the school principal or the District Principal of Student Support Services.

Where allegations of child abuse are made against Board employees, volunteers, contract service providers, or others in the school setting

Reports of child abuse may involve allegations against Board employees, volunteers, contract service providers, or other persons on school property, school officials have the primary responsibility for dealing with these allegations. Reports to Child Welfare Workers from school officials are not usually required, unless there is reason to believe that children outside the school setting may need protection or the parents are unable or unwilling to take any action required to protect the child.

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 school principal or the Director of Instruction (Human Resources). Parents of children alleged to have been abused in the school setting must be informed by Board officials of the allegation and the outcome of the Board investigation, unless there are special circumstances relating, for example, to a child protection or police investigation, or endangerment of the child.

3.1 Board Employees

It is the legal responsibility of school officials and employees to provide a safe learning environment for students. Where there are allegations of child abuse by a Board employee, the Superintendent is responsible to

investigate the allegations and/or report the matter to the police in accordance with the Interagency Child Abuse/Neglect Reporting and Investigation Protocol. The Board and Superintendent have the authority under the School Act (s. 15) to suspend an employee whose presence threatens the welfare of students. The Board also has the authority under the School Act to suspend an employee who is charged with a criminal offence.

3.2 Volunteers

Where there are allegations of child abuse by a volunteer, school officials have the authority to prohibit the volunteer's attendance at school or an official school function, in accordance with Policy #5310 (Volunteers), the School Act (s. 177(2)), if applicable, and the Interagency Child Abuse/Neglect Reporting and Investigation Protocol.

3.3 Contracted Service Providers

Where there are allegations of child abuse by contracted service providers, school officials have the authority to prohibit the service provider's attendance at school or an official school function, in accordance with the Board's contractual rights, property rights and its authority under the School Act.

3.4 Other Persons

Where there are allegations of child abuse by other persons, school officials have the authority under the School Act to prohibit the person's attendance on school premises (S.A. s. 177) and to seek the assistance of the police, in accordance with the Interagency Child Abuse/Neglect Reporting and Investigation Protocol.

3.5 Reporting to the police

Not every incident that might, if proven to constitute an offence, will warrant police involvement. School officials are expected to exercise judgment. Where there is reason to believe that the alleged child abuse by employees, volunteers, contract service providers or other persons may constitute a criminal offence warranting police involvement, school officials should consult with the police regarding the matter. Where the police initiate a criminal investigation, the Superintendent must cooperate with the police, in accordance with the Interagency Child Abuse/Neglect Reporting and Investigation Protocol.

3.6 Reporting to a Child Welfare Worker

Although the primary responsibility for dealing with abuse allegations involving Board employees, volunteers, or contract service provider, rests with the Board as employer, there may still be a need to report to a Child Welfare Worker. For example, there may be indications:

of abuse outside the scope of the Board investigation;
that the parents may respond to the abuse allegations in a way that suggests that they are unwilling or unable to take any action needed to protect the child; or
that the child is at risk of being abused by the parent.

Where there is reason to believe that abuse or neglect of a child has taken place outside the scope of the Board investigation and the parent is unwilling or unable to protect the child, or there is reason to believe that the parent is unwilling or unable to protect the child with respect to the abuse that is the subject of the Board investigation, school officials must report this to a Child Welfare Worker in accordance with the Child, Family and Community Service Act.

3.7 Reporting to BC College of Teachers and other professional bodies

School employees and officials who are members of the BC College of Teachers have an obligation under the Teaching Profession Act (T.P.A. s. 27.1) to report to the Registrar of the College where they have reason to believe that another member 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. This requirement is in addition to the obligation of school officials to report the dismissal, suspension and discipline of members (or persons holding letters of permission) to the College under the School Act (S.A. s. 16).

If an employee or contractor is a registered member of another professional body, such as the BC College of Psychologists or the College of Registered Nurses of BC, there may be duties to report to that professional body. For example, under the Health Professions Act of BC, an employer who terminates or suspends a registered member based on a belief that the member's continued practice of the health profession would be a danger to the public, must report to the professional body.

3.8 Reporting to Board Insurers

If the circumstances indicate that a civil claim is likely to be made against the Board 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 School Protection Program.

4.0. Where allegations of child abuse are made against school-aged students

School 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, in accordance with Board Policy.

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.

School officials may notify and/or consult the police or a Child Welfare Worker where appropriate, in accordance with the Interagency Child Abuse/Neglect Reporting and Investigation Protocol. 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 call in the police. A report to a Child Welfare Worker is only required where there is reason to believe that the child's parent is unable or unwilling to take action required to protect the child or where there is reason to believe that other abuse (including abuse of the alleged abuser) has taken place outside the scope of the Board investigation and the parent is unwilling or unable to protect the child (or the parent is implicated in the abuse).

Employees who make reports to a Child Welfare Worker should inform the school principal or the District Principal of Support Services.

4.1 Reporting to Board Insurers

If the circumstances indicate that a civil claim is likely to be made against the Board 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 School Protection Program.

References:

BC Handbook for Action on Child Abuse and Neglect for Service Providers, 2007, Ministry of Children and Family Development

Responding to Child Welfare Concerns, 2007, Ministry of Children and Family Development

Child, Family and Community Service Act, sections 13 and 14

Health Professions Act, s. 32.2

School Act, sections 15, 16, 177

Teaching Profession Act, s. 27.1

APPENDIX A

Interagency Protocol for Reporting and Investigation of Child Abuse and Neglect in
School District No. 52 (Prince Rupert)

A. Statement of Purpose

The purpose of this protocol is to set out and clarify the practices of the agencies involved with the Board of Education of School District No. 52 (Prince Rupert) (the “Board”) in responding to reports of child abuse and neglect, especially as they interact respecting:

- Reporting suspected child abuse and neglect
- Investigating suspected child abuse and neglect
- Sharing information about suspected child abuse and neglect
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The protocol is intended to:

- Facilitate collaboration between the Parties to ensure the safety, well-being and protection of children.
- Support and be consistent with the Board’s Child Protection Policy #1310 and Board Procedures for Reporting Child Abuse and Neglect.
- Be consistent with relevant legislation including the Child, Family and Community Service Act, the School Act, and the Freedom of Information and Protection of Privacy Act.
- Supplement the BC Handbook for Action on Child Abuse and Neglect (“the Handbook”). The Handbook contains important information not found in this protocol.

The protocol is not intended to create legal contractual relationships.

B. Terminology

In this protocol:

“**CFCSA**” refers to the Child, Family and Community Service Act, RSBC 1996, c. 46, as amended.

“**Child**” means a person under the age of 19.

“Criminal offence warranting police involvement” refers to an offence within police jurisdiction that either is required to be reported to police under school board policy or, in the judgment of the school administrator, requires the involvement of the criminal justice system to be dealt with appropriately. The courts have recognized that school authorities have discretion in the circumstances of many minor offences whether to deal with the matter through the school discipline process (which is more immediate in its consequences and so may be more effective) or whether to call in the police. Not every potential offence warrants police involvement.[1]

“**Child Welfare Worker**” refers to a person delegated under the Child, Family and Community Service Act to provide child welfare services, including responses to suspected child abuse and neglect. Both the Ministry of Children and Family Development and named delegated Aboriginal Family and Child Service Agencies employ Child Welfare Workers.

“Child Welfare Authority” refers to the Ministry of Children and Families or a delegated Aboriginal Family and Child Service Agency, as the case may be.

Nisga’a Child and Family Services and Northwest Inter-Nation Family and Child Services are both Aboriginal Child and Family Service Agency that have been delegated authority under the Child, Family and Community Service Act.

“The Handbook” refers to The BC Handbook for Action on Child Abuse and Neglect for Service Providers, 2007, published by the Ministry of Children and Family Development, or any successor publication.

“Needs Protection” refers to the situation of a child in any of the following circumstances, as defined by CFCSA s.13(1):

- 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;
- 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 provision for the child’s care;
- i) the child is, or has been, absent from home in circumstances that endanger the child’s safety or wellbeing;
- 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.

Working definitions of child abuse and neglect are contained in The BC Handbook for Action on Child Abuse and Neglect for Service Providers (See pages 23-26.)

“Parties” means the agencies listed below as having approved this protocol.

“Principal” includes a vice-principal or other staff member designated by the principal of a Board school to fulfill the duties of the Principal under this Protocol Agreement.

“SA” refers to the School Act, RSBC 1996, c. 412, as amended.

“Superintendent” refers to the Superintendent of Schools appointed by the Board under the SA, and includes any person designated by the Superintendent to fulfill the Superintendent’s duties under this Protocol Agreement. The designated person would be the District Principal of Student Support Services.

C. Reporting and Investigation Procedures

The Parties agree that the attached tables set out their expectations of their own responsibilities and their expectations of the responsibilities of the other Parties. At the request of any Party, the Parties agree to meet, review the procedures set out in the attached tables and make amendments to supplement or amend them.

[1] . *Legal references: R. v. Keukens, [1993] O.J. No. 1223; R. v G. (J.M.), (1986) 56 O.R. (2dd) 705.*

D. Parties

The parties listed below agree to conduct their affairs in accordance with this Protocol.

Signed on behalf of School District No. 52 (Prince Rupert) on October __, 2011:

[Name, Title]

Signed on behalf of Ministry of Children and Family Development (Prince Rupert) on October __, 2011:

[Name, Title]

Signed on behalf of Nisga'a Child and Family Services on October __, 2011:

[Name, Title]

Signed on behalf of Northwest Inter-Nation Family and Child Services on October __, 2011:

[Name, Title]

Signed on behalf of the Prince Rupert RCMP on October __, 2011:

[Name, Title]