

## 520: CHILD NEGLECT AND/OR ABUSE INVESTIGATION PROCEDURES (P)

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### **POLICY**

**The Board of Education recognizes its responsibility to ensure the safety and well-being of all pupils under its control.**

**The Protocol requires that any suspected cases of child neglect or abuse (physical, emotional or sexual) by parents, guardians, Board employees or other individuals be dealt with in accordance with applicable legislation and the attached Regulations.**

**The appropriate legislation under the Child, Family and Community Services Act is as follows:**

#### **Section 14 – Duty to report need for protection**

- 1.0 A person who has reason to believe that a child**
  - a) has been or is likely to be physically harmed, sexually abused or sexually exploited by a parent or other person or**
  - b) needs protection under section 13 (1)© to (k) must promptly report the matter to a director or a person designated by a director.**
- 2.0 Subsection (1) applies even if the information on which the belief is based**
  - a) is privileged, except as a result of a solicitor-client relationship, or**
  - b) is confidential and its disclosure is prohibited under another Act.**
- 3.0 A person who contravenes subsection (1) commits an offense.**
- 4.0 A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offense.**
- 5.0 No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.**
- 6.0 A person who commits an offense under this section is liable to a fine of up to \$10,000 or to imprisonment for up to 6 months, or to both.**

**7.0 The limitation period governing the commencement of a proceeding under the *Offense Act* does not apply to a proceeding relating to an offense under this section.**

### **Section 96 - Director's Right to Information**

- 1.0 A director has the right to any information that**
- a) is in the custody or control of a public body as defined in the *Freedom of Information and Protection of Privacy Act*, and**
  - b) is necessary to enable the director to exercise his or her powers or perform the duties or functions under this Act.**
- 2.0 A public body that has custody or control of information to which a director is entitled under subsection (1) must disclose that information to the director.**
- 3.0 This section applies despite any other enactment but is subject to a claim of privilege based on a solicitor-client relationship.**

**The standard response is outlined in the BC Handbook for Action on child Abuse and Neglect.**

### **Investigations in Public Schools and Other Educational Institutions**

**If the child abuse or neglect is believed to have occurred in a public school or in another educational institution or during school activities, the investigation is conducted in a coordinated manner through the following activities:**

- the child protection social worker assesses the report to decide how to respond to it, and commences an investigation if there is reason to believe that a child may need protection;**
- the police conduct an investigation to determine if a criminal offense may have been committed; and**
- the superintendent of schools or the senior authority of an educational institution investigates as part of his/her legal responsibilities.**

**The superintendent of schools or the senior authority is responsible for coordinating investigations that occur in a public school to:**

- ensure that the child is safe from harm during the investigations;**
- assist the investigators in clarifying their respective roles, mandates and responsibilities in responding to the report of abuse or neglect;**
- ensure that required investigations are not interfered with or compromised by persons under the Superintendent of Schools' authority;**
- document the results of any investigation performed at the direction of the Superintendent: and**

- collaborate with other professionals to develop follow-up plans to support the alleged victim and others, both children and staff who may be affected by the
- disclosure or investigation (e.g. critical incident debriefing, counseling, referrals, etc.)

The school superintendent is authorized, under the *School Act*, to investigate reports that a child is not registered with a school or is not receiving an educational program. If the Superintendent has reason to believe that a child needs protection, they must report this matter to a child protection social worker.

The school principal is responsible for the safety of children while they are attending school and /or participating in school activities. Parents are entitled to be informed of their child's behaviour in school. School staff may contact parents to ensure that they are aware when abusive behaviour between students occurs at school or at an authorized school function.

The *School Act* provides authority for a school board to dismiss, suspend or otherwise discipline an employee for just and reasonable cause. If a superintendent of schools believes the welfare of students is threatened by the presence of an employee, the superintendent may suspend the employee. The school board has the power to confirm, vary or revoke that suspension. School boards must report to the College of Teachers, without delay, the reason for any teacher's dismissal, suspension or disciplinary action and any resignation in which circumstances are such that it is in the public interest to do so.

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## REGULATIONS

### 1.0 PROCEDURES TO BE FOLLOWED WHERE CHILD ABUSE BY A SCHOOL DISTRICT EMPLOYEE IS SUPECTED.

- 1.1 Any employee who has reasonable grounds for suspecting that a child is being abused by a school district employee shall immediately report the Circumstances to:
  - i) the local Team Leader, Ministry for Children & Families (MCFD) or in the case of a First Nations child on reserve, Nuu-chah-nulth Community and Human Services (NCHS) and,
  - ii) the Superintendent of Schools, who will advise the reporting employee that the investigation will be handled by MCFD or NCHAS
  
- 1.2 The Superintendent of Schools will attempt to arrange a meeting between a senior representative of the MCFD/NCHS, the RCMP, and the School District prior to any action in order to develop a plan to include:
  - i) the extent of immediate School Board action;
  - ii) the method of investigation, including mutually acceptable timelines;
  - iii) the method of sharing information;
  - iv) the involvement of the School District in the investigation ;

- v) attempts to ensure that the alleged abuser and the abused (or the parent/guardian of the abused) do not meet during the investigation.
- 1.3 The Superintendent of Schools will cooperate with the MCFD/NCHS and the RCMP in their investigations and keep them informed of any actions taken.
- 1.4 The Superintendent will inform the Board of the allegations, either formally or informally, as circumstances may dictate.
- 1.5 After the investigation of the MCFD/NCHS and the RCMP has been completed, the Superintendent of Schools will investigate any abuse allegations independent of whether the MCF/NCHS or the RCMP are involved in formal criminal charges.
- 1.6 The Superintendent through the course of his/her investigations should:
- i) use legal advice early where inexperience in such matters exists;
  - ii) be exceedingly thorough during interviewing;
  - iii) seek information about other victims and follow-up such information;
  - iv) maintain careful notes taken at the time of the investigation.
- 1.7 The Superintendent will, based on his/her investigation and legal advice, recommend appropriate measures to the Board.

## **2.0 DISTINCTION BETWEEN SEXUAL ABUSE AND SEXUAL ASSAULT**

- 2.1 Generally, sexual abuse allegations are made against ‘caregivers’ that is against individuals who are described as providing care and/or custody to a child (parents, guardians, teachers, baby sitters, trusted relatives, etc.) Sexual assault allegations are normally made against those who do not provide care for the child (boyfriends, peers, strangers, etc.)
- 2.2 Where a District employee had difficulty in determining whether an action is considered sexual abuse or sexual assault, that employee shall contact MCF for clarification. If in the opinion of MCFD, sexual abuse is indicated, the matter must be dealt with according to the provisions of this policy. If sexual assault is indicated, the employee should take steps to inform the parents of the child either directly or through the child’s counselor, or through the administration, or as a final resort, through the police. Future action with regard to sexual assault is ultimately the responsibility of the individual assaulted or the parents/guardians of that individual.

### **Pertinent References**

- Ministry Circular 175
- B.C. Handbook for Action on Child Abuse & Neglect (1998)
- Child, Family & Community Service Act (1994)