

SCHOOL DISTRICT NO. 92 (NISGA'A)

Regulation Subject: CHILD PROTECTION

Date Passed: November 8, 2011

Date Amended: May 21, 2019

Description

REPORTING CHILD ABUSE AND NEGLECT

Regulation: No. 300-R

In these regulations:

“Child Welfare Worker” in these procedures refers to a person delegated un 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 employ Child Welfare Workers authorized to response to suspected child abuse and neglect.

“Interagency Child Abuse/Neglect Reporting and Investigation Protocol” refers to an interagency agreement to be negotiated between the Board of Education, local child welfare authorities, and local police authorities, as it may be 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.

“The Police” refers to RCMP local detachment.

“Superintendent” refers to the school district’s Superintendent of Schools appointed under the *School Act* and includes any person designated by the Superintendent to fulfil the Superintendent’s responsibilities described herein.

A. **Where allegations of child abuse or neglect involve the conduct of parents or parent failure to protect a child**

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 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. “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 Nisga’a Child and Family Services.)

“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 determination whether abuse or neglect has occurred or is like to occur. (Further discussion and examples may be found in the *BC Handbook for Action on Child Abuse and Neglect for Service Providers*.)

A school district 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 district 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.

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 questions as to whether conduct should be reported to the police, they should consult with school officials and/or a Child Welfare Worker.

Reporting to School District Officials

Employees who make reports to a Child Welfare Worker should inform the

school principal.

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

Reports of child abuse may involve allegations against school district 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 district 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.

Parents of children alleged to have been abused in the school setting must be informed by school district officials of the allegation and the outcome of the school district investigation, unless there are special circumstances, e.g., relating to a child protection or police investigation, or endangerment of the child.

School District Employees

It is the legal responsibility of school district officials and employees to provide a safe learning environment for students. Where there are allegations of child abuse by a school district 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 Report 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.

Volunteers

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

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 a school, in accordance with the School District's contractual rights, property rights

and its authority under the *School Act*.

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*.

Reporting to the Police

Not every incident that might constitute an offence if proven will warrant police involvement. School officials are expected to exercise judgement. Where there is reason to believe that the alleged child abuse by employees, volunteers, contract service providers or other persons may constitute 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*.

Reporting to a Child Welfare Worker

Although the primary responsibility for dealing with abuse allegations involving school district employees, volunteers, or contract service providers, rests with the school district 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 school district investigation, or 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 school district 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 school district investigation, school officials must report this to a Child Welfare Worker in accordance with the *Child, Family and Community Service Act*.

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 the 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 the 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.

Reporting to School District Insurers

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 School Protection Program.

C. 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 been 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 the matter through the school discipline process or whether to call in the police. A report to a Child Welfare Workers 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 school district 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.

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