

**SCHOOL DISTRICT NO. 20 (KOOTENAY-COLUMBIA)  
STUDENT SUPPORT SERVICES RESOURCE BOOK**

**PROTOCOL A.09:  
CHILD ABUSE AND NEGLECT**

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**PROTOCOL A.09.1**  
**CHILD PROTECTION**

**CHILD PROTECTION**

The Board of School Trustees believes that a child has a right to receive an education in an environment which is conducive to learning. This environment includes aspects of security which are both physical and mental in nature. To ensure the protection of children, the Board affirms that appropriate actions will be taken in any situation where the child may be at risk. The School Board expects its employees to take seriously, comments made by children that may indicate abuse or neglect.

The Board expects administrators and teachers to conform to the legal duties and responsibilities respecting a child in need of protection as set out in the provincial statutes.

**PROTOCOL A.09.2**  
**RESPONDING TO CHILD ABUSE AND NEGLECT**  
**TRILATERAL PROTOCOL AGREEMENT**

**TRILATERAL PROTOCOL AGREEMENT**

BETWEEN

**MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT**, as represented by the Regional Child Protection Manager – Kootenay Regional Operating Agency

AND

**THE BOARD OF SCHOOL TRUSTEES OF SCHOOL DISTRICT NO. 20 (Kootenay-Columbia)**

AND

**THE ROYAL CANADIAN MOUNTED POLICE**

**Collectively referred to as “the Parties”**

**STATEMENT OF PURPOSE**

The purpose of the protocol is to clarify the roles of the Parties in three (3) areas:

- reporting suspected child abuse and neglect.
- investigating suspected child abuse and neglect.
- information sharing.

This protocol:

- services as an adjunct to the Handbook and support for the policy contained in the Handbook.
- is intended to enhance collaborative work practices of the Parties.
- is consistent with relevant legislation including:

Federal Statutes

- Access to Information Act
- Criminal Code
- Privacy Act (federal)
- RCMP Act
- Young Offenders Act (YOA)

Provincial Statutes

- Child, Family and Community Service Act (CFCSA)
- Freedom of Information and Protection of Privacy Act (FOIPPA)
- Infants Act
- Policy Act
- School Act
- Teaching Profession’s Act
- Victims of Crime Act

**PRINCIPLES**

These Principles are based on the guiding principles of the Child, Family and Community Service Act, as set out in Section 2 of the Act, and the general principles outlined in the Handbook:

- The safety and well-being of children are paramount considerations.
- Children are entitled to protection from abuse, neglect, harm and the threat of harm.
- Reporting of abuse and neglect needs to be done promptly.
- Responses of reports of abuse and neglect need to occur promptly.
- Responses to reports of child abuse and neglect should be sensitive to the needs and the cultural, racial and religious heritage of the children and families involved.
- Children with disabilities and very young children may not be able to protect themselves and are particularly dependent on adults for their safety and well-being.
- All Parties working with children are in a position of trust and their conduct should reflect this trust.

- Collaboration is an effective way to promote the best interests of children.
- When sharing information for the safety and well-being of children, the information disclosed should only be used for those purposes, in accordance with applicable legislation, but not for other purposes.

## DEFINITIONS

The following definitions are derived from relevant legislation or the Glossary in Appendix H of the Handbook.

**“child protection social worker”** is a person who has been delegated with any or all of the relevant powers, duties or functions of a director under the Child, Family and Community Service Act. The term includes workers with delegated authority in both the Ministry of Children and Family Development (MCF) and Aboriginal child and family serving agencies. Specific job titles may vary, depending on the MCF region and the Aboriginal agency. For the purpose of this protocol, the term, **“child protection social worker,”** will be used.

**“police”** are defined in the Police Act to include the RCMP, independent municipal police and those established under section 4.1 as designated policing units, such as First Nations administered police services.

**“principal/designate”** means a principal or designate of a school in the school district appointed by the board of school trustees under the School Act and includes a vice-principal.

**“school district”** means a school district created or constituted under the School Act and includes the board of school trustees of the district and every school within the district.

**“school setting”** refers to the place where a student attends school and includes authorized school activities or functions.

**“superintendent of schools”** means the superintendent of schools for the school district appointed by the board of school trustees under the School Act.

**“youth probation officer”** is a person who receives authority under the Young offenders Act and includes a **“youth worker,”** as defined by section 37 of YOA.

Note: Additional definitions are provided in Appendix 1.

## REPORTING

### REPORTING TO A CHILD PROTECTION SERVICE WORKER

Section 14 of the CFCSA **requires every person to report promptly to a child protection social worker when they have reason to believe a child needs protection**, as set out in the following circumstances:

- if a child has been or is likely to be physically harmed, sexually abused or sexually exploited by a parent or another person; physical harm includes physical harm by neglect.
- if the child is emotionally harmed by the parent’s conduct; a child is emotionally harmed if the child demonstrates severe:
  - anxiety,
  - depression,
  - withdrawal, or
  - self-destructive or aggressive behaviour.
- if the child is deprived of necessary health care.
- if 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.
- if the child is or has been absent from home in circumstances that endanger the child’s safety or well-being.

- if the child's parent is dead and adequate provision has not been made for the child's care.
- if the child has been abandoned and adequate provision has not been made for the child's care.

*The legal duty to report is the responsibility of each individual. Any person with reason to believe that a child needs protection has a duty to report **directly** to a child protection social worker.*

*Informing another person (e.g., a colleague or a supervisor) does not discharge the legal duty to report directly to a child protection social worker.*

*Where two (2) or more persons each have reason to believe a child needs protection, it is acceptable for them to report by way of a joint conference call to a child protection social worker.*

*Reports must be made promptly.*

### HOW TO REPORT TO A CHILD PROTECTION SOCIAL WORKER

- Report by phone immediately to **MCFD Centralized Screening** at **1-800-663-9122**.
- Or call the local district office (listed in the blue pages of your phone book under the heading Child, Families – Ministry for). **Castlegar: 250-365-8575 / Trail: 250-364-0540**, where you will be connected to Centralized Screening.
- Helpline for Children. **Dial 0 and ask for the operator for Zenith 1234**. This service is toll-free.
- Deaf (TTY) only – 1-800-667-4770.
- Investigate allegations of abuse and neglect.
- Ask for intake social worker.
- Thirty (30) day timeframe.

## WHEN TO REPORT TO POLICE

If a child's health or safety is in immediate danger, call the police.

A report to police does not discharge an individual's duty to report directly to a child protection social worker as soon as possible, if the person has reason to believe that a child needs protection.

Any person who suspects a criminal offence is occurring or may have occurred should report to the police without delay.

## INITIAL RESPONSE

### 1. **by a child protection social worker**

The child protection social worker must assess every report received about a child's need for protection. The assessment will result in a decision as to whether or not a child protection investigation is required. The Ministry for Children and Families may also offer services, or referrals for services, to families to help meet the needs of children and/or parents.

### 2. **by police**

When a police officer arrives on the scene, he/she will take steps to prevent the continuation of an offence and/or minimize the risk of a breach of the peace. A police officer may also summon medical assistance, as required.

Section 27 of the CFCSA enables a police officer to take charge of a child without a court order when the child's health or safety is in immediate danger.

### 3. **by a superintendent of schools or principal/designate**

The superintendent of schools and/or principal/designate may need to act immediately to protect the safety of children in the school. Under section 15 of the School Act, if a superintendent of schools considers the welfare of students is threatened by the presence of an employee, he/she may suspend the employee, subject to review and confirmation by the school district's board of school trustees. Also, under section 26 of the School Act, a principal/designate or a superintendent of schools may suspend a student, in accordance with any rules established by their board of school trustees.

*Note:* Refer to Appendix 2 and 3.

## INVESTIGATIONS

### INTRODUCTION

In many situations where there is an allegation of child abuse or neglect, different investigations may be required. An investigation may be conducted by:

- a child protection social worker to determine if a child needs protection.
- the police to determine whether a criminal offence has occurred.
- the superintendent of schools, where there has been a report of child abuse or neglect by an employee, contracted service provider, volunteer or student in a school setting.

When a response involves two (2) or more of the Parties, the Parties should approach the investigation collaboratively to reduce the impact of the child, and to ensure an efficient response.



*If, during an investigation, new allegations of suspected abuse or neglect are identified, the investigator has a duty to report to the child protection social worker.*

### **INVESTIGATIONS BY A CHILD PROTECTION SOCIAL WORKER**

The child protection social worker assesses the report to decide how to respond to it and commence an investigation, if there are reasonable grounds to believe that a child needs protection.

If a child protection investigation takes place, the child protection social worker may advise the reporter what the steps in the investigation are and the approximate timeframe.

If the child protection social worker determines that an interview with the child is necessary, he/she must inform the parents, unless the child protection social worker believes the parents:

- might jeopardize the child's safety.
- might prevent the child protection social worker from seeing the child.
- might flee with the child.
- could influence the child's discussion with the child protection social worker.
- cannot be located.

If there are concerns for a child's protection social worker's safety at any point during an investigation, the child protection social worker may call the police. The role of the police officer is to keep the peace.

### **INVESTIGATIONS BY POLICE**

The police conduct an investigation when they have grounds to believe a criminal offence has been committed or that a serious personal injury offence (e.g., sexual assault) will occur.

The responsibility of the police include, but are not limited to, maintaining a public safety, securing the crime scene, searching for physical evidence, interviewing witnesses, identification of offender(s), and case preparation. The attending officer may utilize a variety of police support services and/or arrange for a medical forensic examination, as individual circumstances required.

All those involved should be aware that they may be subpoenaed by Crown counsel to testify at criminal proceedings and each may be required to bring their records.

In the interest of the safety and well-being of children, after police are advised of the approval of charges by Crown counsel, the police may advise the child protection social worker and superintendent of schools of the charge.

### **INVESTIGATIONS BY THE SUPERINTENDENT OF SCHOOLS**

Where it is believed that abuse was perpetrated by a school district employee, contracted service provider, volunteer or student, the superintendent of schools investigates, on behalf of the school board, as part of his/her responsibilities under sections 15 and 22 of the School Act.

If the superintendent of schools considers that the welfare of students might be threatened by the presence of an employee, he/she may suspend that employee and report the circumstances to the school board.

In other circumstances, the superintendent of schools, or principal/designate, may need to consider:

- termination of services of a volunteer.
- termination of services of a contracted service provider.
- disciplinary action and/or development of a safety plan in regard to a student.

The superintendent of schools is responsible for:

- ensuring a safe school environment for students during the investigations.

- facilitating the activities of the investigators in carrying out their respective roles, mandates and responsibilities within the school setting, when responding to the report of abuse or neglect.
- ensuring that child protection and/or police investigations are not interfered with or compromised by persons under the superintendent of schools' authority.
- referring inquiries about the child protection and/or police investigation to the appropriate authorities.
- providing parents with information on the superintendent of schools' investigation, subject to the Freedom of Information and Protection of Privacy Act and the need to avoid prejudicing any investigations of the police and/or the Ministry for Children and Families.
- documenting the results of any investigation performed at the direction of the superintendent of schools.
- collaborating with other professionals to develop follow-up plans to support the alleged offender and/or victim and others, both children and staff, who may be affected by the disclosure or investigation (e.g., critical incident debriefing, counselling, referrals, safety plan, etc.).

Before interviewing a child or other witnesses, the superintendent of schools, or principal/designate, should consult with police and/or the child protection social worker, to ensure this investigation and other investigations are not prejudiced.

Apart from the specific powers of the superintendent of schools or school board to suspend, as noted earlier in this section, a school board may dismiss, suspend or otherwise discipline an employee where there is "just and reasonable cause." Such disciplinary actions may be warranted in respect of an incident involving an employee, whether or not the employee is charged or convicted of a criminal offence.

The superintendent of schools, in consultation with the school board, will determine the scope and manner of an investigation, in connection with disciplinary matters but (as noted earlier) the superintendent of schools should be sensitive to any concurrent child protection and/or police investigations to ensure investigations are not prejudiced.

## **CONTACT WITH THE ALLEGED OFFENDER**

### **1. by a child protection social worker**

Where a child protection social worker is aware that a criminal investigation is taking place, he/she should consult with police before contacting the alleged offender.

### **2. by police**

It is up to police to determine whether or not an alleged offender will be interviewed when a criminal investigation is undertaken. Any such interviews will be conducted by the police. This investigation may or may not involve a child protection social worker.

### **3. by a superintendent of schools/school board**

A superintendent of schools and/or school board will contact an alleged offender who is a school employee, if disciplinary action is being taken against the employee, under section 15 of the School Act.

However, prior to contacting the alleged offender, the superintendent of schools/school board will, wherever possible, first consult with the police and/or child protection social worker, if a criminal and/or child protection investigation has been undertaken.

Also, collective agreements generally require the superintendent of schools to immediately notify a staff member being investigated by the superintendent of schools, unless such notification would prejudice a criminal, child protection or superintendent of schools' investigation.

#### 4. **by a school principal/designate**

If the alleged offender is a student, the principal will have contact with the student respecting the incident, including the appropriate disciplinary action, under the School Act, the School Act Regulations and any rules established by the school board.

However, prior to contacting the alleged student offender, the principal will, wherever possible, consult with the police and/or child protection social worker, if a criminal and/or child protection investigation has been undertaken.

### **INTERVIEWING A CHILD OR OTHER WITNESSES**

#### 1. **General**

It may be beneficial to conduct a joint interview of the child, in situations when a number of investigations are being undertaken, as this can:

- reduce the trauma for the child.
- minimize repetition.
- facilitate information-sharing between the investigators.
- minimize the opportunity to taint the child's evidence.

When a person who is talking with a child has reason to believe that the child needs protection, the person will need to stop gathering information from the child and report promptly to a child protection social worker. The person will also need to call the police if he/she believes that a criminal offence may have occurred.

Interviewing children who may have been abused or neglected requires special expertise (e.g., trained child protection social workers and/or police). This protects the integrity of a child protection and/or criminal investigation.

#### 2. **in a school setting**

When an investigator wants to interview a child in a school setting, the principal/designate should be contacted to arrange access. Whenever possible, these arrangements should be made in advance.

It is helpful when those conducting the interview advise the principal when the interview is complete and when the investigators are about to leave the school.

#### 3. **supporting the child**

School personnel may be permitted to provide support for the child before, during and after the interview, as directed by the investigators.

### **ADVISING OF THE RESULTS OF AN INVESTIGATION**

#### 1. **by a child protection social worker**

Pursuant to section 16 (3), (4) and (5) of the CFCSA and Ministry of Children and Family Development' policy, the child protection social worker must make reasonable efforts to report the results of the investigation to:

- the parent apparently entitled to custody of the child;
- the person who reported the information that led to the investigation;
- the child, if the child is capable of understanding the information;
- any other person or community agency, if the worker determines this is necessary, to ensure the child's safety or well-being,

unless reporting the results would cause emotional or physical harm to anyone, endanger the safety of the child, or a criminal investigation is underway.

## 2. **by police**

Under the Victims of Crime Act, police will arrange, on request, for a victim to obtain information on the status of the police investigation, or other information, as appropriate.

Police may share information from their investigations, subject to the laws and regulations on information sharing, with the child protection social worker and/or superintendent of schools.

## 3. **by a superintendent of schools** (in the case of an employee offender) or **principal/designate** (in the case of a student offender)

The superintendent of schools or principal/designate will refer inquiries about child protection and/or police investigations to the appropriate authorities.

If a report has been made to a child protection social worker or police, the superintendent of schools will notify the child protection social worker and/or police of any disciplinary action taken by the superintendent of schools or the board.

If any disciplinary action is taken with respect to a member of the British Columbia College of Teachers, the school board must notify the B.C. College of Teachers under section 16 of the School Act.

The collective agreement may include requirements about advising employees about the results of the superintendent of schools' investigation.

# **INFORMATION SHARING: CONFIDENTIALITY AND DISCLOSURE**

## **INTRODUCTION**

The Parties disclose information consistent with the legislation that affects them, as follows:

- the RCMP, by the federal Privacy Act and the Access to Information Act.
- child protection social workers, by the CFCSA.
- school personnel, by FOIPPA.

All Parties are also governed by the information release provisions of the YOA.

Generally, personal information about an individual may be shared with their consent. However, consent must be obtained in accordance with applicable legislation.

## **INFORMATION TO AND FROM CHILD PROTECTION SOCIAL WORKERS**

*Note: Section 96 of the CFCSA overrides the FOIPPA but not the federal Privacy Act.*

### 1. **A child protection social worker requests information**

Section 96 of the CFCSA gives the child protection social worker the right to any information that is both:

- in the custody or control of a public body (this includes a school district or municipal police, but does not include RCMP).
- necessary to enable the child protection social worker to exercise his/her powers or perform the duties or functions under the CFCSA.

At a minimum, requests for information by a child protection social worker should:

- be in writing (unless an emergency situation makes this impractical).
- state the legal authority for requesting information.
- confirm that the person requesting the information has the appropriate authority to do so (e.g., letter of delegation).

## 2. **A child protection social worker shares information**

Child protection social workers are not required to share the information they collect unless a disclosure is mandated by a court order or during a child protection proceeding.

Child protection social workers may, however, share information, without consent, when it is necessary to ensure the safety or well-being of a child, or is otherwise prescribed in the CFCSA, which may include providing information to police or a superintendent of schools for their respective investigations.

The identity of a person who reports suspected child abuse or neglect to a child protection social worker is confidential and will not be disclosed without his/her consent, unless authorized by law.

In cases where a criminal investigation is taking place and the child protection social worker has already contacted an alleged offender and, where it is necessary to ensure the safety and well-being of a child, or is otherwise authorized under the CFCSA, the child protection social worker may disclose information about the alleged offender.

## **INFORMATION TO AND FROM POLICE**

### 1. **Police request information**

Police request information as part of a criminal investigation. All Parties should respond to requests for information from police, as best they can within the confines of their legislation. The Parties should advise police whether or not they can provide the requested information.

Police can compel the release of information through judicial authorization (e.g., a warrant or subpoena).

### 2. **Police share information**

RCMP and municipal police may release information arising from their investigations prior to charges being laid and subject to the discretion of the investigating police officer with a child protection social worker and/or superintendent of schools. Information sharing is based on "consistent use" in the sense that an investigative body requires relevant information to fulfill a legislated mandate, or as required by an enactment such as a Ministerial Order.

Information may be withheld by police, in accordance with applicable legislation, if disclosure could reasonably be expected to be harmful to law enforcement.

However, police must comply with privacy legislation (Privacy Act/FOIPPA) and, where applicable, information sharing provisions pursuant to the YOA.

Under the federal Privacy Act, the RCMP may and under FOIPPA, the municipal police must disclose to affected members of the public, information, where disclosure is in the "public interest," including where health or safety is at risk.

Certain categories of criminal offences involving public health and safety considerations, as well as situations involving dangerous offenders, may justify "public interest" police disclosure. Specific procedures are followed by the police in determining when disclosure is necessary.

## INFORMATION TO AND FROM SCHOOL PERSONNEL

### 1. **When superintendent of schools or principal/designate requests information**

During the course of an investigation under the School Act, the superintendent of schools or principal may request information of the Parties when either a member of the school district's staff, or a student, is alleged to have abused or neglected a child. The Parties response to a request will be in accordance with their legislation.

### 2. **When school district personnel disclose information**

School district personnel must provide information when they report abuse and neglect, and when they comply with a CFCSA section 96 request for information by a child protection social worker, but they do so under the CFCSA, not the FOIPPA. In other circumstances, school personnel may share information, in accordance with the FOIPPA.

### 3. **Information about young offenders**

All Parties are governed by the information release provisions of the YOA. School district staff and child protection social workers should also refer to the MCF policy entitled, "Young Offender Information Sharing with Schools," contained in Appendix 4.

### 4. **Information held by the Parties**

Information held by the Parties which may affect safety in the school must be shared with the principal/designate.

## FOUR (4) COMMON SCENARIOS FOR RESPONDING TO CHILD ABUSE IN THE SCHOOL SETTING

### INTRODUCTION

When concerns about child abuse or neglect arise in the school setting, the most common circumstances are as follows:

- abuse or neglect perpetrated against a student by the student's family, caregiver or other person, outside the school setting.
- abuse perpetuated against a student by a school district employee, contract service provider or volunteer, inside and outside of school settings.
- abusive behaviour in a school setting by a student under 12 years of age.
- abusive behaviour in a school setting by a student 12 to 19 years of age.

Each of these scenarios may give rise to special considerations respecting report, investigations and sharing of information.

### **Scenario #1: Responding to alleged abuse or neglect by a parent, caregiver, friend, relative, or other person.**

#### 1. **Reporting**

All persons report as described in the Reporting section of this document (pages 3-6).

#### 2. **Initial Response**

After a report is made, the child protection social worker is responsible for the immediate safety of the child. If the child protection social worker is not immediately available, he/she should indicate

this to the person who reported and arranged an interim emergency safety plan. A child protection social worker may be able to arrange other safe transportation for the child.

If a school district employee receives a query from a parent (either by phone or in person) as to why a child has not yet arrived home, the employee should advise the parent to contact the child protection social worker (telephone – **Trail: 250-364-0540 / Castlegar: 250-365-8575**).

If the reporter is a school employee, contracted service provider, or volunteer, he/she should notify the principal/designate that a report has been made.

If the parent arrives at the school and threatens staff, school personnel may wish to contact the police.

### 3. **Keeping the child's family informed**

Where a child protection social worker has notified the police that a criminal offence may have occurred, the child protection social worker should consult with the police to determine how the parents will be notified.

School personnel should not contact the parents, but should refer parental inquiries to the child protection social worker and/or police.

### 4. **Investigation**

In cases where a child is allegedly abused by a person living outside the family home, the child protection social worker will investigate to determine whether the parent is aware of the situation and is willing and able to protect the child.

Where police are investigating whether a criminal offence has occurred, the child protection social worker and/or school district employees should make every effort to comply with any police request to facilitate the interview of the child.

## **Scenario #2: Responding to alleged abuse by a school employee, contracted service provider or volunteer.**

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### 1. **Reporting**

All persons report, as described in the Reporting section of this document (pages 3-6).

In addition, if the reporter is a school district employee, he/she notifies the school district superintendent of schools.

As set out in the general reporting section at pages 3-6, if a student is in immediate danger or a criminal offence is occurring or may have occurred, call the police.

### 2. **Initial Response**

When child abuse is believed to have occurred in a school setting or during school activities, the child protection social worker will and/or the police may need to notify the superintendent of schools to ensure the safety or well-being of the children.

The superintendent of schools collaborates with police and/or the child protection social worker to:

- clarify their respective roles and responsibilities in the case.
- assure the safety and well-being of the children involved.
- determine who will notify the parents of the actions to be taken.

### 3. Investigation

The investigation should be conducted in a coordinated manner, as described on pages 6-11 of this document.

The superintendent of schools may need to act immediately to protect the safety of children in the school. Under section 15 of the School Act, the superintendent of schools may suspend an employee, subject to review and confirmation by the school district's board of school trustees. In determining if the suspension of an employee is necessary, the superintendent of schools may have regard, not only for his/her own investigations, but also information shared in respect of any investigations undertaken by the child protection social worker and/or police.

If the alleged offender is a member of the B.C. College of Teachers, the superintendent of schools immediately notifies the College of Teachers of any suspension, discipline or dismissal, under section 16 of the School Act.

### 4. Communication with parents

For information on advising parents of the results of an investigation by the superintendent of schools, refer to pages 6-11 of this document. Procedure regarding obtaining formal consent from parents of the victim.

## **Scenario #3: Responding to alleged abusive behaviour at school by a student under 12.**

### 1. Assessment by school personnel concerning reporting

Whenever a person has reason to believe that a child needs protection, a report **must** be made promptly to a child protection social worker.

Once a person has reason to believe a child needs protection, there is no discretion about whether or not to make a report.

Factors a person should consider when assessing whether or not he/she has reason to believe a child (victim and/or alleged abuser) needs protection include:

- the seriousness or potential seriousness of the behaviour.
- the existence of a power imbalance between the children (e.g., differences in size, ages, intellectual capacity or a gang situation).
- whether the behaviour resulted, or is likely to result, in harm to the child(ren).
- whether the behaviour is impulsive or premeditated.
- the willingness and ability of the involved children's parents to respond appropriately.
- whether incidents of aggression or victimization are recurring.

For further assessment criteria, refer to the document's Appendix 5, "Problem Aggressive Behaviours Chart," and Appendix 6, "Problem Sexual Behaviours Chart."

A child is not deemed to need protection in the following circumstances:

- normal sexual play or exploration between children of similar ages.
- minor altercations or aggression between children.
- any other activity that is within the bounds of normal childhood behaviour.

Where issues or concerns exist but a person is unsure if he/she has reason to believe a child needs protection, he/she should consult with a child protection social worker.



## 2. Reporting

### a) Report to a principal/designate

When abusive behaviours between children occur at school, school personnel should immediately notify the principal/designate, who is responsible for student conduct. The principal/designate also has a duty to report promptly to a child protection social worker if he/she has reason to believe a child needs protection. The report of school personnel to the principal/designate does not replace his/her duty to report to a child protection social worker.

### b) Report to a child protection social worker

All persons report, as described in the Reporting section of this document, pages 3-6.

Section 15(2) of the CFCSA requires police to report the child's circumstances to a child protection social worker when a child under 12 years of age has killed, assaulted or endangered another person. The child protection social worker will decide if a child protection investigation is needed.

### c) Report to police

If a student or staff member is in danger, call the police.

### d) Stop interviewing

When a person who is talking with a child has reason to believe that the child needs protection, the person will need to stop gathering information from the child and report promptly to a child protection social worker. The person will also need to call the police if he/she believes that a criminal offence may have occurred.

## 3. Follow-up Response

### a) Principal/Designate

If a principal/designate or superintendent of schools considers that the welfare of students might be threatened by a student, he/she may suspend the student, in accordance with the School Act and the disciplinary rules of the school district.

Parents are entitled to be informed of their child's behaviour in school. School staff may contact parents of the children involved to ensure that they are aware when abusive behaviour between students occurs at school, or at an authorized school function. If, however, an incident results in a report to a child protection social worker or police, the principal/designate will consult with the child protection social worker or police regarding notification of the parents. In all other situations, it is the principal/designate who should arrange for the parents to be notified.

When no report to a child protection social worker or police is deemed necessary, the principal/designate may:

- take disciplinary action against the student in accordance with the School Act, School Act Regulations and school board policies.
- consult with staff or other professionals.
- provide counselling services.
- develop a school safety plan.

## 4. Communication with parents

For information on advising parents of the results of an investigation by the superintendent of schools/principal/designate refer to pages 6-11 of this document.

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## **Scenario #4: Responding to alleged abusive behaviour at school by a student 12 and over, including young offenders.**

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### **1. Assessment by school personnel concerning reporting**

Whenever a person has reason to believe that a child needs protection a report **must** be made promptly to a child protection social worker.

Once a person has reason to believe a child needs protection, there is no discretion about whether or not to make a report.

Factors a person should consider when assessing whether or not he/she has reason to believe a child (victim and/or alleged abuser) needs protection include:

- the seriousness or potential seriousness of the behaviour.
- the existence of a power imbalance between the children (e.g., differences in size, ages, intellectual capacity or a gang situation).
- whether the behaviour resulted, or is likely to result, in harm to the child(ren).
- whether the behaviour is impulsive or premeditated.
- the willingness and ability of the involved children's parents to respond appropriately.
- whether incidents of aggression or victimization are recurring.

For further assessment criteria, refer to the document's Appendix 5, "Problem Aggressive Behaviours Chart," and Appendix 6, "Problem Sexual Behaviours Chart."

A child is not deemed to need protection in the following circumstances:

- normal sexual play or exploration between children of similar ages.
- minor altercations or aggression between children.
- any other activity that is within the bounds of normal childhood behaviour.

Where issues or concerns exist but a person is unsure, he/she has reason to believe a child needs protection, he/she should consult with a child protection social worker.

### **2. Reporting**

#### **a) Report to principal/designate**

When abusive behaviours between children occur at school, school personnel should immediately notify the principal/designate, who is responsible for student conduct. The principal/designate also has a duty to report promptly to a child protection social worker, if he/she has reason to believe a child needs protection. The report of school personnel to the principal/designate does not replace his/her duty to report to a child protection social worker.

#### **b) Report to child protection social worker**

All persons report, as described in the Reporting section of this document, pages 3-6.

#### **c) Report to police**

If a student or staff member is in danger, call the police.

If a student commits what may be a criminal offence on school grounds, school personnel should consider reporting the matter to the police.

#### **d) Report to youth probation officer**

If a student is a young offender, the principal may notify the youth probation officer of a breach of the probation order.

e) **Stop interviewing**

When a person who is talking with a child has reason to believe that the child needs protection, the person will need to stop gathering information from the child and report promptly to a child protection social worker. The person will also need to call the police if he/she believes that a criminal offence may have occurred.

3. **Follow-up Response**

a) **Principal/Designate**

If a principal/designate or superintendent of schools considers that the welfare of students might be threatened by a student, he/she may suspend the student, in accordance with the School Act and the disciplinary policies and rules of the school district.

Parents are entitled to be informed of their child's behaviour in school. School staff may contact parents of the children involved to ensure that they are aware when abusive behaviour between students occurs at school or at an authorized school function. If, however, an incident results in a report to a child protection social worker or police, the principal/designate will consult with the child protection social worker or police regarding notification of the parents. In all other situations, it is the principal/designate who should arrange for the parents to be notified.

Regardless of whether student misconduct is criminal or non-criminal, school authorities deal with student discipline, in accordance with the School Act, Regulations and school board policies and rules. Where a student is suspended or expelled and there is an existing court order under the YOA that the student attend school, the principal/designate should advise the youth probation officer so that the order can be varied, if necessary. Where a court order prescribes other conditions, such as a non-contact order, the school should take the terms of the order into account. If the order cannot be practically accommodated, the difficulties should be discussed with the youth probation officer, who may decide to vary the order.

When no report to a child protection social worker or police is deemed necessary, the principal/designate may:

- take disciplinary action against the student, in accordance with the School Act, School Act Regulations or school board policies.
- consult with staff or other professionals.
- provide counselling services.
- develop a school safety plan.

4. **Investigation**

The Parties should refer to the Investigation section on pages 6-11 of this document.

Following an investigation, the school district may:

- discipline the offender, in accordance with the School Act and school board policy and rules.
- offer support services (e.g., counselling) to the students involved.
- develop a school safety plan.

5. **Communication with parents**

For information on advising parents of the results of an investigation by the superintendent of schools/principal/designate, refer to pages 12-14 of this document.

**DISPUTE RESOLUTION**

All parties involved in the complaint would arrange to meet and review the concern/complaint and develop a plan to resolve the issue. The final resolution will be communicated to all concerned parties.

**PROTOCOL REVIEW PROCESS**

**IMPLEMENTATION YEAR 2000-2001**

The superintendent of schools will arrange a protocol review meeting prior to June 30, 2000. The purpose of the review could include revisions to text, procedural changes, updating information on local resources and/or contact information.

**SUBSEQUENT YEARS**

The superintendent of schools will arrange to hold an annual review meeting prior to June 30 to review text and procedural matters. The superintendent will designate a member of district staff to review information on local resources and/or contact information on a regular basis and update the protocol.

**TRAINING SCHOOL DISTRICT STAFF**

**IMPLEMENTATION YEAR**

All staff will be provided with a training session on the purpose and process of the protocol. This training will be carried out by the school and/or district staff trained to deliver the sessions.

**SUBSEQUENT YEARS**

New staff will be provided with an opportunity to learn about the process and purpose of the protocol through sessions held at the school or district level.

Staff who have been previously trained will have an opportunity to review the protocol at the beginning of each school year.

**TERM AND SIGN-OFF**

The Parties have signed this Agreement as follows:

Signed on behalf of the Ministry for Children and Family Development by its authorized representative on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Signed on behalf of the Board of School Trustees of School District No. 10 (Kootenay-Columbia) by its authorized signatory on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Title (please print): \_\_\_\_\_

Signed on behalf of the Castlegar, Rossland, Trail and Fruitvale detachments of the Royal Canadian Mounted Police by its authorized signatory on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Title (please print): \_\_\_\_\_

**APPENDIX****APPENDIX 1:  
WHO IS A CHILD IN NEED OF PROTECTION? (Definition/indicators)**

These definitions are provided as guidelines only. It is the responsibility of the child protection worker with the Ministry of Children and Family Development to determine if there is a child protection concern (also see Section 13 of the Child, Family and Community Service Act).

**What is Sexual Abuse?**

- Any sexual exploitation of a child, whether consensual or not.
- Includes sexual touching and sexual intercourse.
- May include any other behaviour of a sexual nature directed toward a child (e.g., juvenile prostitution, pornography)
  - excludes normal affectionate behaviour towards children.
  - excludes normal health or hygiene care.

**How do you decide if the behaviour is sexual in nature?**

- Would a reasonable observer, looking at the behaviour in the context in which it occurred, conclude that it is sexual in nature?
- If the activity is between children, is there a significant age or power difference? Is the older OR more powerful child clearly taking sexual advantage of a younger or less powerful child?
  - excludes consensual, developmentally appropriate sexual activity between children where there is no significant difference in age or power

**What is physical abuse?**

- Any physical force/action which results in (or may partially result in) a non-academic injury to a child.
- Exceeds that which could be considered reasonable discipline.

**What is emotional harm?**

- Those responsible for the care of the child act in a way which is likely to produce long-term and serious emotional disorder.
- It may be acts of omission, as well as commission.
- Possible effects may be: non-organic failure to thrive, developmental retardation, serious anxiety, depression, withdrawals, serious behavioural disturbance.

**What is neglect?**

- Those responsible for the care of the child fail to meet the child's physical, emotional or medical needs to the extent that the child's health, development or safety is at risk.

**What is deprivation of necessary health care?**

- Two (2) medical practitioners believe that the health care is essential to preserve the child's life, or to prevent serious or permanent impairment of the child's health.
- Parent or guardian refuses consent for this essential health care.

## APPENDIX 2: WHAT IS YOUR RESPONSIBILITY?

### What is your responsibility?

- Your responsibility is to immediately report your concerns about the child's safety and well-being.
- The Ministry of Children and Family Development will make the decision about whether the situation is abuse or neglect.
- If you are not sure about whether the situation represents child abuse or neglect – report it.

### Legal duty to report

- If you have reason to believe a child needs protection you must promptly report your concern to a social worker with the Ministry for Children and Families (Section 13 to the Child Family; and Community Service Act).
- This requirement overrides any provisions for confidentiality of the information (except in the case of a solicitor-client relationship).
- Your identity is kept confidential.
- As long as you report the information in good faith, you are protected against any actions.
- Knowingly reporting false information is an offence.
- Even if you let somebody else know (e.g., colleague or a supervisor), you must still report directly to the Ministry.
- **If you fail to report your concern, you have committed an offence** (Section 14 of the CFCSA).

### When to report?

- If you have reason to believe that the child (a person 18 years and under) has been, or is likely to be, physically harmed, sexually abused or sexually exploited by a parent or other person.
- If you have reason to believe that the child otherwise needs protection, as defined by the Child Family and Community Service Act (i.e., they are neglected, emotionally harmed, deprived of necessary health care, proper arrangements have not been made for the child's care in the event of the parents' absence or death, or child is away from home in circumstances which endanger their well-being [see definitions/indicators]).

### How to report

- Document the details of the disclosure or evidence as accurately and comprehensively as possible.
- **Call the Ministry for Children and Families immediately.** Ask for the duty child protection worker.
  - Castlegar, Trail, Rossland, Fruitvale: 1-800-663-2553 or 9250) 354-6133
  - For all areas, after hours: dial "0", ask for Zenith 1234 or 1-800-663-9122

In the rare event that you cannot reach a social worker, call the RCMP.

- Castlegar (250) 365-7721
- Fruitvale (260) 364-2566
- Rossland (250) 364-2566
- Trail (250) 364-2566

### What happens next?

- The Ministry for Children and Families social workers will investigate your concerns and determine if a child is in need of protection, according to the law. The RCMP may conduct a criminal investigation.
- In most cases, the Ministry or the RCMP will let you know about the results of the investigation.

**APPENDIX 3:  
STEPS TO BE FOLLOWED WHEN AN EMPLOYEE IS INFORMED  
OF ALLEGED CHILD ABUSE/NEGLECT**

Step	Alleged offender outside the school system	Alleged offender is School District personnel
1	<b>The employee must</b> report the concerns immediately to the child protection social worker.	<b>The employee must</b> report the concerns to the child protection social worker. The Superintendent is to be immediately informed. The Superintendent will arrange for the involvement of school district personnel in further investigation.
<p>Employees who have reason to believe are required under the "Children, Family and Community Service Act, 1996, Section 14" to report to the local Ministry of Children and Family Development office their suspicions of a case of child abuse/neglect.</p> <p><u>Advising Parents of Interview with Child:</u> Prior to the initial in-person contact with the child, the social worker will inform the child's custodial parent(s) of the Ministry statutory responsibility to interview his or her child. The parents will not be contacted when the safety of the child will be jeopardized by this action or when the parents cannot be located.</p>		
2	The employee advised the principal of the report promptly. <u>The parents are not to be informed by the employee.</u>	The Superintendent will collaborate with the social worker and the police (if it is determined that a criminal offence has occurred) to determine respective roles and responsibilities in the case.
3	The investigation is now under the authority of the Ministry of Children and Family Development.	The Superintendent (or designate) will ensure parents of children who may have been affected have been notified.
		An investigation may be conducted by the social worker and police, in consultation with the Superintendent. If abuse is verified the Superintendent will recommend appropriate action to the Board of School Trustees.
<p>Note: The Ministry of Children and Family Development will contact the police if criminal investigation is deemed appropriate.</p>		



**APPENDIX 4:  
MINISTRY FOR CHILDREN AND FAMILIES –  
YOUNG OFFENDER INFORMATION SHARING WITH SCHOOLS**

### Policy

In every case where a young person is under community supervision (except alternative measures) and attending a public or private school, or has a school-related condition of supervision, the youth probation officer will determine whether it is necessary to disclose information about the young person to the school.

### The Law

Section 38 (1.13) Young Offenders Act (YOA) provides that information about a young person may be disclosed to a representative of a school or school board, or any other educational or training institution by the provincial director, a youth worker, a peace officer, or any other person engaged in the provision of services to young persons:

“where the disclosure is necessary

- a) to ensure compliance by the young person with an authorization pursuant to section 35 (temporary absence) or an order of any court concerning bail, probation or conditional supervision; or
- b) to ensure the safety of staff, students or other persons, as the case may be.”

The key consideration is that the disclosure must be **necessary** to accomplish either of the two (2) stated purposes, i.e., safety or compliance. This requires a determination on a **case by case** basis, according to the merits of the individual case. The routine dissemination of, for example, lists of the names of all young offenders under community supervision attending school, or lists of all young persons under community supervision for sexual or violent offences, is not permissible (see Note #1 below).

There is no authority to disclose information to school related to young persons who are undertaking alternative measures (see Note #2 below).

Where disclosure is necessary for compliance purposes, disclosure may only be made while the court order or temporary absence is in effect. This limitation does not apply with respect to disclosure for safety purposes. A disclosure for safety purposes could conceivably occur in unusual circumstances where there is no court order in effect, e.g., where a high-risk youth is released from custody upon expiration of a disposition and there is no community supervision following custody.

Sections 38(2) and 46(4) YOA make it a criminal offence to improperly publish or disclose records information concerning young offenders.

Since the YOA is federal legislation, its provisions supersede provincial legislation such as the Freedom of Information and Protection of Privacy Act and the School Act.

### Notes:

1. An Order-in-Council made pursuant to section 44.1(1)(h) YOA can be interpreted as giving schools a right of access to youth court records. Where these provisions are used, however, the request must be made to the youth court, not to youth probation officers.
2. Alternative measures refers to diversion from court, usually for first-time minor offences. Disclosure is not permissible because alternative measures does not involve a court order, nor cases where the safety of others is at issue.

Conversely, schools are permitted to share information with youth probation officers: the Student Records Disclosure Order, made pursuant to the School Act (M298/97), permits

student records to be disclosed to “a person who is planning for the delivery of, or delivering, health services, social services or other support services to that student or child.”

### Safety Purposes

Disclosure of information to schools for safety purposes must be considered where a young person:

1. has a current or previous history of sexual or violent offences, including (for bail orders) allegations of the same; or
2. has a current or previous history of other offences which involve a risk to the safety of others, which would include but is not limited to offences such as arson, weapons, explosives, trafficking in heroin or cocaine, criminal harassment, procuring for the purpose of prostitution, extortion, intimidation, etc.; or
3. there is a pattern of behaviour which indicates a potential risk to other students or staff, e.g., uttering threats, cruelty to animals.

In determining whether information will be disclosed, the youth probation officer must consider:

1. the nature and seriousness of the offence(s) or behaviour;
2. the types of victims (e.g., other youth children; persons in authority);
3. the location of offence(s) (e.g., at school or associated with school activities);
4. the results of a Community Risk needs Assessment (CRNA) or Sexual offender Risk Assessment (SORA);
5. psychiatric, psychological or other professional assessments or consultations, if available; and
6. other relevant information (e.g., reports of behaviour while in custody or in other programs).

Where there are reasonable grounds to believe that the young person may present a risk to the safety of staff or other students, relevant information shall be disclosed to the school.

While the determination about whether information will be shared with schools must be made at the outset of the case, the decision not to share information should be reviewed where new information comes to light or the circumstances of the young person changes (e.g., a deterioration in behaviour).

### Safety – Practice Examples

Examples of where information **should** be disclosed to schools for safety purposes only:

1. a young offender has committed a violent offence against other youths and the history of offending and CRNA indicate a medium or high risk of further offending;
2. a young offender has been found guilty of extorting money or clothes from students, either on school property or to or from school;
3. a young pedophile is attending a high school where there are young children attending (e.g., 12 year olds, daycare) or there is an immediately adjacent elementary school;
4. a young offender is currently on probation for a non-violent offence but is a known associate of a gang which engages in recruitment and intimidation of students; and
5. a young offender is on conditional supervision for a non-violent offence but, while in custody, engaged in threatening and aggressive behaviour towards teachers in the youth custody centre.

Examples of where information should **not** be disclosed for safety purposes include:

1. a young person is on probation for a family-related assault and there is no reason to believe this behaviour will be repeated in school situations;
2. a young offender is on probation for an isolated incident of assault on another youth but the offence was not school-related, is considered out-of-character and the youth is assessed as low-risk; and
3. a significant reduction in risk such as where a formerly medium-risk young offender is on probation for assault of another youth at school but has responded very positively to program interventions, has been offence-free for a year and is now assessed (e.g., CRNA) as low risk.

## School Attendance Orders

Where there is an order to attend school, the youth probation officer will determine whether it is “necessary” to disclose information to the school by considering:

1. the youth’s past history of school attendance;
2. whether there are reliable alternative means of monitoring school attendance (e.g., through the parents, social worker, or periodic reports from the school); and
3. the need for immediate enforcement.

The need for immediate enforcement will vary according to the seriousness and circumstances of the case. For example, immediate enforcement is an integral part of a risk management plan in the case of a youth with a chronic history of breaking and entering during the daytime. Conversely, in circumstances where a low-risk youth is on probation for first-time joy riding and has a more-or-less incidental condition to attend school, waiting for report cards may be appropriate.

## Decision-Making

Determining whether it is necessary to disclose information to schools for safety purposes or compliance with a school attendance order must be based on the facts and informed professional judgments. Nonetheless, it is recognized that decisions can be difficult in some cases. Where a decision respecting disclosure for safety purposes is being considered, the benefit should go to the interests of the safety of students and school staff. Where a decision is being made respecting compliance with a school attendance order, the benefit should go to the interests of the privacy of the young person.

## Other Conditions of Supervision

As a general rule, the youth probation officer **must** disclose information to schools where there is a relevant condition of supervision:

1. prohibiting association with victims, witnesses or co-accused who attend the same school, or non-association with children or youth under a specified age;
2. involving area restrictions prohibiting the youth from being on school grounds; or
3. prohibiting possession of weapons (e.g., knives).

Disclosure is generally necessary in these circumstances because these conditions are difficult to enforce without the school being apprised of them.

Non-association conditions, in particular, require discussions with school representatives vis-à-vis expectations and enforcement. For example, an order of non-association with a victim does not always require complete avoidance, e.g., unintentional and incidental passing in hallways or even being in the same classroom. To sustain a break of a non-association (or other) condition, the association must be wilful.

Expectations regarding enforcement will vary according to factors such as the seriousness of the case, the degree of traumatization of the victim and concerns about intimidation. For example, in many cases where there is a condition of non-association with a co-accused, incidental contact in hallways or the same classroom may be acceptable. On the other hand, in a case where there is a condition of non-association with a victim/witness and there are concerns about intimidation – subtle or otherwise – strict compliance may be necessary.

## Extent of Disclosure

Where a decision is made that disclosure is necessary for safety or compliance purposes, the disclosure will be limited to information which is relevant and necessary to achieve that purpose. For example, if disclosure to ensure compliance with a school attendance condition for a non-violent offence is required, the only information that needs to be provided is that there is an order for school attendance, that there are no safety concerns, and the anticipated date of expiry of the order.

Where there is disclosure for safety purposes, the information will include the nature and degree of risk, the specific conditions of the order which are relevant to the avoidance of that risk (e.g., non-association with children), and recommendations related to strategies for reducing the risk to safety. If more than one (1) young person was involved in the circumstances of the offence, or the risk arises from gang or gang activity or all of these young persons present a risk to safety, information should be provided about the links between these youths so that the school is aware of the interrelationship among the youths who pose a threat to safety.

As a general rule, copies of court orders or temporary absence permits, and other written information should **not** be provided to schools because this is not usually necessary, but the youth probation officer should provide the school representative with a copy of the court order, where there may be a need for immediate police enforcement of a condition while at school, e.g., an order prohibiting the youth from being on school grounds, non-association with a witness.

The disclosure of information should be the principal/designate or vice-principal of the school or other school district representative, as agreed to by the school district.

### Reports and Consultation

Section 28 (1.11) YOA also permits disclosure of information to schools by the provincial director of a youth worker, where the disclosure is necessary for procuring information that relates to the preparation of a report required by the Act (e.g., predisposition or progress reports).

In preparing reports for the court, there must be prior consultation with schools in cases where there is a risk of safety to staff or students (e.g., violent or sexual offending) and, in particular, where there is consideration of conditions or non-association vis-à-vis the feasibility of administering these orders. (It is recognized that court orders are often made without benefit of a pre-bail or pre-disposition report and that prior consultation may not be feasible in cases involving an immediate oral report to the court.)

Where an order has been made which cannot be practically administered, the feasibility of an expectation about the administration of the order will be discussed with the school representative and, as necessary, consideration given to a variation of the condition.

### Case Management

One (1) of the legislated duties of a youth probation officer is to “give such assistance to (the young person) as a (youth worker) considers appropriate” (section 27 YOA). Although the YOA limits the disclosure of **offence-related** information to circumstances where it is necessary for safety or compliance purposes, this does not preclude the youth probation officer from engaging in case management meetings or discussions with school officials, even where disclosure of information about the offence/record/court order is not necessary. In these circumstances, the youth probation officer may still, for example, advocate on behalf of the youth to assist in securing suitable educational programming or may provide relevant social and behavioural information which will assist the school in developing an educational plan, if it is considered necessary, to assist the youth and, **provided** information respecting the youth’s offences or court orders is not disclosed.

### Other Considerations

The youth probation officer should be aware that the YOA:

1. permits subsequent disclosure of information (e.g., from the principal to teachers) where that disclosure is necessary for safety or ensuring compliance;
2. requires the school to keep any information provided separate from any other record (e.g., school performance records) on the young person;
3. requires the school to ensure that no other person has access to the young offender information, except persons to whom information is subsequently disclosed as per #1 above; and
4. requires the school to destroy the information when it is no longer required for the purpose for which it was disclosed.

It is the responsibility of the Ministry of Education, Skills and Training and school districts, to establish policy and training respecting subsequent disclosure and retention and destruction of records.

**Public Notification**

In extraordinary circumstances, there may be a need to disclose information to members of the public about a risk of serious harm, e.g., the parents of young children immediately adjacent to a school where a high-risk young pedophile is attending. Disclosure to members of the public cannot be made by the youth probation officer or school under section 38 (1.12) YOA but rather requires an application to the youth court, pursuant to section 28 (1.5) YOA. There should be consultation with Crown Counsel before making such an application.

**Liaison**

At the beginning of each school year and, as required periodically thereafter, regional or local supervisors of community youth justice services will meet with representatives of school districts to review the application of this policy and expectations regarding monitoring of and compliance with orders.

**APPENDIX 5:  
PROBLEM AGGRESSIVE BEHAVIOURS**

	Typical But Inappropriate Behaviour	Of Concern	Of Serious Concern
Physical Aggression	<ul style="list-style-type: none"> <li>• pushing</li> <li>• shoving</li> <li>• spitting</li> <li>• kicking</li> <li>• hitting</li> </ul>	<ul style="list-style-type: none"> <li>• physical acts that are demeaning and humiliating but not harmful</li> <li>• kicking and/or hitting where persistent and unresponsive to correction</li> </ul>	<ul style="list-style-type: none"> <li>• physical violence against family or friends</li> <li>• threatening with a weapon</li> <li>• inflicting bodily harm</li> <li>• defacing property</li> <li>• stealing</li> <li>• unlawful confinement</li> </ul>
Social Alienation	<ul style="list-style-type: none"> <li>• gossiping</li> <li>• embarrassing</li> <li>• setting up a student to look foolish</li> <li>• spreading rumors about another student</li> <li>• excluding from group</li> </ul>	<ul style="list-style-type: none"> <li>• ethnic slurs</li> <li>• setting up someone to take the blame</li> <li>• publicly humiliating (e.g., revealing personal information)</li> <li>• maliciously excluding</li> <li>• manipulating social order to achieve rejection of a peer</li> <li>• malicious rumor mongering</li> <li>• threatening with total isolation by peer group</li> </ul>	<ul style="list-style-type: none"> <li>• inciting hatred</li> <li>• locking in a confined space</li> </ul>
Verbal Aggression and Intimidation	<ul style="list-style-type: none"> <li>• mocking</li> <li>• name calling</li> <li>• dirty looks</li> <li>• teasing about clothing, possessions or appearance</li> <li>• threatening to reveal another's personal information</li> <li>• playing a dirty trick</li> </ul>	<ul style="list-style-type: none"> <li>• intimidating telephone calls</li> <li>• taunting</li> <li>• stealing possessions (e.g., lunch, clothing, toys)</li> <li>• graffiti</li> <li>• defacing property or clothing</li> <li>• daring another to do something dangerous</li> </ul>	<ul style="list-style-type: none"> <li>• verbal threats of aggression against property or possession</li> <li>• verbal threats of violence or of inflicting bodily harm</li> <li>• threats of using coercion against family or friends</li> <li>• coercion</li> <li>• threatening with a weapon</li> <li>• racially motivated threats</li> <li>• extortion (e.g., money)</li> <li>• internet threats</li> </ul>
Other			<ul style="list-style-type: none"> <li>• arson</li> <li>• animal mutilation</li> <li>• use of weapons or explosives</li> <li>• drug trafficking</li> <li>• procuring the purpose of sexual exploitation</li> </ul>

Note: Caution must be taken that this table is not used too prescriptively. It is intended to present a range of children's behaviour, from normal to cause for serious concern, but cannot be considered exhaustive. Behaviours are described in general terms, although they will take different forms at different age/developmental levels. When committed by a student 12 years of age and older, the actions in the column "Of Serious Concern" may constitute a criminal offence.

**APPENDIX 6:  
PROBLEM SEXUAL BEHAVIOURS**

Normal Range	Of Concern	Of Serious Concern
<ul style="list-style-type: none"> <li>• Shows private parts to peers in reciprocal fashion (show me yours, I'll show you mine)</li> </ul>	<ul style="list-style-type: none"> <li>• Attempts to expose genitals to peers</li> <li>• Mutual group masturbation</li> </ul>	<ul style="list-style-type: none"> <li>• Induces fear; makes threats of force to get others to expose themselves</li> <li>• Repeatedly exposes self in public, despite correction</li> <li>• Exposures self forcibly to others</li> </ul>
<ul style="list-style-type: none"> <li>• Plays doctor (primary age)</li> <li>• Compares genitals with peer friends</li> </ul>	<ul style="list-style-type: none"> <li>• Plays sexual "games" despite being told no</li> </ul>	<ul style="list-style-type: none"> <li>• Touches genitals of others with force</li> <li>• Forces others to play sex-related games</li> </ul>
<ul style="list-style-type: none"> <li>• Shows interest in viewing others' bodies, e.g., peeking at others in the bathroom, disrobes</li> </ul>	<ul style="list-style-type: none"> <li>• Peeks at others in the washroom, despite being told no</li> <li>• Engages in peeking, exposing self, uses obscenities</li> </ul>	<ul style="list-style-type: none"> <li>• Engages in chronic peeking/exposing/obscenities</li> <li>• Sexually explicit conversations with students of significantly less power or age</li> </ul>
<ul style="list-style-type: none"> <li>• Looks at nude pictures</li> </ul>	<ul style="list-style-type: none"> <li>• Shows persistent fascination with nude pictures, interest in pornography, brings these to school</li> </ul>	<ul style="list-style-type: none"> <li>• Forces/manipulates others into viewing nude pictures or pornography</li> </ul>
<ul style="list-style-type: none"> <li>• Uses "dirty" words for bathroom functions, likes to hear/tell dirty jokes or songs</li> </ul>	<ul style="list-style-type: none"> <li>• Has sexually explicit conversations with peers that reflect adult level of knowledge (intermediate age)</li> <li>• Writes or draws sexual graffiti (especially chronic or that which impacts others)</li> <li>• Teases or embarrasses peers with sexual comments</li> <li>• Interprets sexual meaning to normal events, pictures, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Has sexually explicit conversations with peers that reflect adult level of knowledge (primary age)</li> <li>• Makes sexually explicit proposals/threats, including written notes</li> <li>• Degrades self or others with sexual language or gestures</li> </ul>
<ul style="list-style-type: none"> <li>• Touches own genitals (may occur in public, e.g., during story time (primary age), while watching TV or when tense or excited)</li> <li>• Masturbates occasionally in private</li> </ul>	<ul style="list-style-type: none"> <li>• Is preoccupied with masturbation</li> <li>• Touches, rubs genitals in public despite being told no</li> </ul>	<ul style="list-style-type: none"> <li>• Engages in compulsive masturbation which interferes with normal functioning</li> <li>• Engages in masturbation which includes penetration of objects</li> </ul>
<ul style="list-style-type: none"> <li>• Imitates flirtatious behaviour of adults</li> </ul>	<ul style="list-style-type: none"> <li>• Engages in sexual behaviour directed at adults</li> <li>• Touches or stares at breasts, buttocks of adults</li> </ul>	<ul style="list-style-type: none"> <li>• Rubs up against others (peers or adults) in a secret or apparently accidental way</li> </ul>

<ul style="list-style-type: none"> <li>• Imitates behaviour associated with sexual intercourse, e.g., pelvic movements</li> </ul>	<ul style="list-style-type: none"> <li>• Stimulates intercourse with clothing on, with dolls, peers, animals</li> </ul>	<ul style="list-style-type: none"> <li>• Repetitive simulation of intercourse with dolls, peers, animals, with clothing on</li> <li>• Simulating intercourse with clothes off</li> </ul>
<ul style="list-style-type: none"> <li>• Dirty words or jokes (which may not be understood) within cultural or peer group norm</li> </ul>	<ul style="list-style-type: none"> <li>• Preoccupation with sexual themes (especially sexually aggressive ones)</li> </ul>	<ul style="list-style-type: none"> <li>• Engages in oral, vaginal or anal penetration of other children, animals</li> <li>• Exposes others' genitals using physical force</li> <li>• Inflicts genital or anal injury or causes bleeding</li> </ul>

Responding to Children's Problem Sexual Behaviours in Elementary School Settings: A Resource for Educators, 1998, British Columbia, Canada: Ministry of Education

Note: Caution must be taken that this table is not used too prescriptively. It is intended to present a range of children's behaviour, from normal to cause for serious concern, but cannot be considered exhaustive. Behaviours are described, in general terms, although they will take different forms at different age/developmental levels. Where a behaviour applies specifically to an age group, it has been so indicated by either "primary age" or "intermediate age". When committed by a student 12 years of age and older, the actions in the column, "Of Serious Concern" may constitute a criminal offence.



**PROTOCOL A.09.3**  
**SUPPORTING OUR STUDENTS:**  
**A Guide for School Personnel Responding to Child Abuse**  
**(Special Programs Branch, Ministry of Education)**

**IT'S YOUR DUTY TO REPORT**

Everyone who has reason to believe that a child has been or is likely to be physically harmed, sexually abused or sexually exploited by a parent or other person, or needs protection in the circumstances described in section 13(1)(d) to (k) of the *Child, Family and Community Service Act*, is legally responsible under section 14 of that Act, to report promptly to a child protection social worker. In British Columbia, a child is anyone under the age of 19.

**WHAT ARE CHILD ABUSE AND NEGLECT?**

Child abuse and neglect occur with alarming frequency. As public awareness of the subject has grown, so has the number of reported and confirmed cases. *The B.C. Handbook for Action on Child Abuse and Neglect* (1998) is the primary resource for those who work regularly with children and/or families. A copy of that resource has been sent to every school in the province. The following definitions are adapted from the handbook:

**Physical Abuse** is a deliberate, non-accidental physical assault or injury by an adult or significantly older or more powerful child that results in physical harm to a child. It includes the use of unreasonable force to discipline a child or prevent a child from harming him/herself or others.

**Sexual Abuse** is the use of a child for sexual gratification by an adult, or by a significantly older or more powerful child. It includes sexual touching, meaning or threatening sexual acts, obscene gestures, or deliberated exposure of a child to sexual activity or material.

**Sexual Exploitation** includes permitting, encouraging or requiring a child to engage in conduct of a sexual nature for stimulation, gratification or self-interest of another person who is in a position of trust or authority or with whom the child is in a relationship of dependency; prostitution; or production of material of a pornographic nature.

**Emotional Abuse** is a pattern of destructive behaviour by an adult toward a child. It includes acts or omissions by adults responsible for the care of or in contact with a child. Typical behaviours may include humiliating, insulting, scapegoating, verbal attacks, threats, rejecting, exploiting or corrupting a child or withholding life-sustaining nurturing.

**Neglect** involves an act of omission on the part of the parent or guardian that results, or is likely to result, in physical harm to the child. This may include failure to provide food, shelter, basic health care, or supervision and protection from risks to the extent that the child's physical health, development or safety is harmed, or is likely to be harmed.

**WHEN TO SUSPECT CHILD ABUSE OR NEGLECT**

Abused and neglected children almost always show signs of their suffering. Some of the most common indicators are listed below. Remember, these are warning signs. They do not necessarily mean abuse or neglect is happening. But the more signs you observe, the more concerned you should be.

**POSSIBLE INDICATORS OF CHILD ABUSE OR NEGLECT**

- injuries (bruises, welts, cuts, burns, bit marks, fractures) that are not consistent with the explanation offered
- repeated injuries over time

- constant complaints such as sore throats or stomach aches that have no medical explanation
- lack of proper hygiene, constant hunger, clothing inappropriate for weather conditions
- torn, stained or bloody underwear
- irritation, bruising, bleeding, pain or itching near genitals or anus
- bruises on breasts, buttocks or thighs
- describes self as bad and deserving to be punished
- abusive behaviour and language in play
- sudden onset of nightmares, bedwetting and/or fear of the dark
- cuts or sores on arms or legs
- fear of going home, attempts to run away
- sudden change in attitude toward someone previously liked and trusted
- expresses bizarre, sophisticated or unusual sexual knowledge not typical for age, language or play
- acts out sexually
- becomes anxious and fearful after being outgoing and friendly
- expresses sadness, cries frequently, becomes depressed
- unable to concentrate
- lacks friends or is not involved in activities
- appears lethargic
- shows poor impulse control, physical aggression
- irregular or non-attendance at school

(For a more complete listing of possible physical and behavioural indicators of abuse or neglect, consult pages 10-12 of **The B.C. Handbook for Action on Child Abuse and Neglect (1998)**.)

### HANDLING A DISCLOSURE

Sometimes, a student will tell an adult directly that he/she is being abused or neglected. Sometimes the student uses indirect ways to tell you – through art, drama, writing or hints. They are all known as disclosures. If a student discloses to you, follow the steps below:

- stay calm, listen and be non-judgemental
- tell the student you're sorry it happened and let the student know it's not his/her fault
- be supportive and reassure the student that he/she has done the right thing by telling you
- get only the essential facts, do not interview the student
- do not promise to keep it a secret
- do not say everything will be fine now; it may take a lot of time before everything is fine again
- tell the student what will happen next
- report the disclosure promptly to a child protection social worker
- report and document what the student tells you verbatim 0- do not include personal opinions or judgements
- **if a student is in immediate danger, contact the police. Dial your local police or call the operator and ask for the police.**

(For more information on how to handle different types of disclosures, see Appendix E, pages E-3 to #-9 in **The B.C. Handbook for Action on Child Abuse and Neglect (1998)**.)

### WHAT TO REPORT

When you report suspected child abuse or neglect, the child protection social worker will ask you about:

- the student's age, name and location
- any immediate concerns about the student's safety
- why you believe the student is at risk
- any statements or disclosures the student has made
- the student's parents, family and alleged offender(s)
- siblings or other children who may be at risk

- any previous incidents or concerns for the student
- any other relevant information concerning the student and/or family such as language, culture, disabilities or special needs

The person making the report is not responsible for determining whether the abuse and/or neglect actually happened or is likely to happen. That is the job of the child protection social worker.

Remember, reporting can be the beginning of a positive change and can keep the student and, perhaps, other children from harm.

## HOW TO REPORT

Report to a child protection social worker in either a Ministry for Children and Families office or a First Nations child welfare agency that provides child protection services.

- **MCFD Centralized Screening at 1-800-663-9122.**
- Helpline for Children. Dial 310-1234. This is a direct, toll free number for all of B.C.
- Deaf (TTY) only – 1-800-667-4770

Don't wait until you have all the information before calling. Just tell the child protection social worker as much as you know. He/she will listen to your concerns and ask you some questions. Your name will be kept confidential and will not be disclosed without your consent unless authorized by law.

## WHAT TO DO IF YOU ARE NOT SATISFIED

- If, upon reporting a child protection concern or at a point during or at the end of a child protection investigation, a school board employee has concern about whether or how Ministry for Children and Families staff are responding, the school board employee is encouraged to contact the child protection social worker's supervisor.
- If concerns are still not addressed, contact the Ministry for Children and Families (MCF) Regional Child Protection Manager who is responsible for ensuring the MCF child welfare mandate is met according to legislation and standards.

## RESPONDING TO CHILD ABUSE AND NEGLECT

### FOUR COMMON SCENARIOS

School personnel most often have concerns about and need to respond to four common scenarios of child abuse and neglect:

- alleged abuse or neglect by a parent, caregiver, friend, relative or other person
- alleged abuse by a school employee, contracted service provider or volunteer
- alleged abusive behaviour at school by a student under 12
- alleged abusive behaviour at school by a student 12 and over, including a young offender

The four scenarios, each with procedural steps to be followed by all school employees, are outlined briefly on the following pages. The resources listed on pages 40-41 provide more detail.

### Role of Child Protection Social Worker

- assesses the report
- ensures the safety of the student
- commences an investigation if there are reasonable grounds to believe that a child needs protection
- contacts police if there is reason to believe a child has been physically or sexually abused or sexually exploited
- contacts parents
- may provide services to the student and family

**Role of Police**

- protects a student in immediate danger
- conducts a criminal investigation
- interviews alleged offender

**Role of School Personnel**

- observes the student for indicators of abuse or neglect
- handles disclosures from students
- reports promptly to a child protection social worker
- supports the student emotionally
- monitors the student for signs of stress
- refers the student for counselling

**Role of Principal**

- ensures the safety of the student
- assists in securing personnel, resources and/or making arrangements for a child protection interview held in the school setting
- refers inquiries about child protection and/or criminal investigations from parents or guardians to a child protection social worker, police and/or superintendent of schools, as appropriate

**Role of Superintendent**

- investigates on behalf of the school board
- ensures a safe school environment during investigations
- consults with the child protection social worker and/or police
- ensures that no school employee interferes with any investigations
- refers to collective agreement obligations
- communicates with parents in accordance with legislation
- refers student(s) for counselling services

**SCENARIO #1:  
RESPONDING TO ALLEGED CHILD ABUSE OR NEGLECT BY  
A PARENT, CAREGIVER, FAMILY MEMBER, FRIEND OR STRANGER****STEP 1 – The Report**

- ***call the police if a student is in immediate danger.*** Note that a call to the police does not discharge you from your responsibility to report directly to a child protection social worker as soon as possible if you have reason to believe that a child needs protection.
- report allegations of child abuse and neglect promptly to a child protection social worker

**STEP 2 – Documenting the Information**

- information regarding any reported allegation should be properly documented
- follow any policy and procedures established by the school district
- information should be treated in the strictest confidence

**STEP 3 – Notifying the Principal**

- notify the principal that a report was made to a child protection social worker and/or the police
- protect the privacy of the student

**STEP 4 – Do not Contact Parents or Alleged Offender**

- the child protection social worker contacts parents
- the police contact the alleged offender as part of the criminal investigation

**STEP 5 – The Investigations**

- cooperate fully with investigations by the child protection social worker and/or the police
- when a child protection social worker receives a report of abuse or neglect of a child by someone other than the parent, the child protection social worker assesses whether the parent is willing and able to protect the child from harm. After the assessment, the child protection social worker determines whether there are grounds for proceeding with an investigation.

**STEP 6 – Sharing Information**

- provide information requested by the child protection social worker and/or the police
- the child protection social worker must make reasonable efforts to report the results of the investigation to the person who made the report, unless reporting the results would cause emotional or physical harm to anyone, endanger the safety of the child, or a criminal investigation is under way

**STEP 7 – Supporting the Student**

- be available to listen and be supportive
- monitor the student's well-being
- consult with school counsellor

**SCENARIO #2:  
RESPONDING TO ALLEGED CHILD ABUSE OR NEGLECT BY  
A SCHOOL EMPLOYEE, CONTRACTED SERVICE PROVIDER OR VOLUNTEER**

**STEP 1 – The Report**

- **call the police if a student is in immediate danger and/or an alleged criminal offence has occurred.** Note that a call to the police does not discharge you from your responsibility to report directly to a child protection social worker as soon as possible if you have reason to believe that a child needs protection.
- report promptly to a child protection social worker
- notify the superintendent of schools
- do not notify the alleged offender; this responsibility is determined in consultation between the superintendent of schools, the child protection social worker and/or the police
- maintain confidentiality and protect the privacy of both student and employee

**BCTF Code of Ethics 31.B.12** *It shall not be considered a breach of Clause 5 of the Code of Ethics to report reasonable grounds for suspecting child abuse to proper authorities according to legal provisions and official protocol requirements. ('95 AGM, p. 22)*

**STEP 2 – Documenting the Information**

- information regarding any reported allegation should be properly documented
- follow any policy and procedures established by the school district
- information should be treated in the strictest confidence

**STEP 3 – Initial Response by Superintendent of Schools, Child Protection Social Worker and/or Police**

- superintendent of schools, child protection social worker and police collaborate to:
  - ensure the safety and well-being of the students involved and any other children who may be at risk
  - clarify their respective responsibilities during the investigations
  - determine who will contact the parents and/or interview the student(s)

- when a child protection social worker receives a report of abuse of a child by someone other than the parent, the child protection social worker assesses whether the parent is willing and able to protect the child from harm. After the assessment, a child protection social worker determines whether there are grounds for proceeding with an investigation.

#### **STEP 4 – The Investigations by Superintendent of Schools, Child Protection Social Worker and/or Police**

##### ***Child Protection Social Worker***

- the child protection social worker conducts the child protection investigation
- the child protection social worker determines if a child needs protection

##### ***Police***

- police determine if a criminal offence has occurred
- police interview the alleged offender, the student involved and other potential witnesses in connection with the criminal investigation

##### ***Superintendent of Schools***

- the superintendent of schools, on behalf of the school board, causes an investigation to commence as part of his/her legal duties
- if the welfare of students might be threatened by the presence of an employee or volunteer, the superintendent of schools may suspend that employee and report the circumstances to the school board (*School Act*)
- the superintendent of schools facilitates the investigations of the child protection social worker and/or police by ensuring that employees cooperate with the ongoing investigations

#### **STEP 5 – Sharing Information**

- school personnel do not contact parents
- refer inquiries to the superintendent of schools, the child protection social worker and/or the police, as directed
- provide information requested by the child protection social worker, police and/or superintendent of schools

#### **STEP 6 – Supporting Students and School Personnel**

- the superintendent of schools informs parents of counselling services available through the schools and/or in the community
- the superintendent of schools collaborates with professionals in the community to develop follow-up plans, referrals for services and/or critical incident debriefing for students and staff, as appropriate

<p style="text-align: center;"><b>SPECIFIC INFORMATION FOR SCENARIOS 3 AND 4: RESPONDING TO ALLEGED ABUSIVE BEHAVIOUR AT SCHOOL BY A STUDENT</b></p>
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Abusive behaviour by a student can occur in class, on or near school property, while travelling to and from school, or while the student is at lunch. The following information will guide you in responding to abusive behaviour by a student at school as outlined in Scenarios #3 and #4.

The principal of a school is responsible for ensuring a safe school environment while children are in attendance at school and/or participating in school activities. The principal must be notified about any abusive behaviour occurring at school.

If there is reason to believe that a student needs protection, report promptly to a child protection social worker (*Child, Family and Community Service Act*).

There is no need to report:

- normal sexual play or exploration between students of similar ages
- minor altercations or aggression between students
- any other activity that is within the bounds of normal childhood behaviour

***If a student or staff member is in immediate danger, call the police.***

Children under 12 years of age are not criminally responsible for their actions, and therefore are not charged under the *Criminal Code of Canada*. A student 12 to 18 may be charged with a criminal offence under the *Young Offenders Act*. If a young offender is abusive to another student or breaches his/her probation order, call the police and the youth probation officer.

Where a student has assaulted or endangered another person, call the police for assistance and report promptly to a child protection social worker.

For further information refer to:

- *The B.C. Handbook for Action on Child Abuse and Neglect* (1998)
- *Responding to Children's Problem Sexual Behaviours in Elementary Schools: A Resource for Educators* (1999, B.C. Ministry of Education)
- *Focus on Bullying: A Prevention Program for Elementary School Communities* (1998, Safe Schools Centre, B.C. Ministry of Education and Ministry of Attorney General)

<p><b>SCENARIO #3: RESPONDING TO ALLEGED ABUSIVE BEHAVIOUR AT SCHOOL BY A STUDENT UNDER AGE 12</b></p>
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#### **STEP 1 – The Report to the Principal**

- ***call the police if a student or staff member is in immediate danger and/or a serious offence has occurred***
- when abusive behaviour between students occurs at school, school personnel should immediately notify the principal, who is responsible for student conduct
- the principal ensures the safety of the student (alleged victim and alleged offender)

(For examples of serious offences see Appendix D of *The B.C. Handbook for Action on Child Abuse and Neglect* (1998).)

#### **STEP 2 – The Assessment of Student's Abusive Behaviour by School Personnel**

- factors to consider when assessing whether or not a student (victim and/or alleged abuser) needs protection include:
  - the seriousness or potential seriousness of the abusive behaviour
  - the existence of a power imbalance between the students (e.g., differences in size, ages or intellectual capacity or a gang situation)
  - whether the behaviour resulted, or is likely to result, in harm to the student
  - whether the behaviour is impulsive or premeditated
  - the willingness and ability of the involved students' parents to respond appropriately
  - whether incidents of aggression or victimization are recurring

#### **STEP 3 – The Report to a Child Protection Social Worker**

- once a person has reason to believe a child needs protection, a report must be made promptly to a child protection social worker
- the principal and staff person (who witnessed the abusive behaviour or received the disclosure) may make a joint report to the child protection social worker (conference call)

#### **STEP 4 - Documenting the Information**

- information regarding any reported allegation should be properly documented
- follow any policy and procedures established by the school district
- information should be treated in the strictest confidence

#### **STEP 5 - The Investigation**

- when a child protection social worker receives a report of abuse of a child by someone other than the parent, the child protection social worker assesses whether the parent is willing and able to protect the child from harm. After the assessment, a child protection social worker determines whether there are grounds for proceeding with an investigation.
- school personnel must cooperate fully with all investigations by the child protection social worker, police and/or principal

#### **STEP 6 - Sharing Information**

- provide information requested by the child protection social worker, police and/or principal
- the child protection social worker must make reasonable efforts to report the results of the investigation to the person who made the report, as required by the *Child, Family and Community Service Act*

#### **STEP 7 - Follow-up Response**

- if the principal determines that the offending student threatens the welfare of others, the principal takes appropriate action to ensure the safety of all students
- the principal may:
  - discipline the offender in accordance with the *School Act*, *School Regulations* and school board policies
  - develop a safety and support plan for the student and/or the school
  - offer support services, such as counselling, to the students involved
  - contact parents of students involved if it does not jeopardize the investigation of the child protection social worker and/or police
- a teacher and/or counsellor may:
  - be available to listen and be supportive to the students
  - monitor the students' well-being
  - consult with the school counsellor about students' need for social and emotional support
  - the counsellor may consult with and/or refer to other specialized service providers

<p><b>SCENARIO #4:</b>  <b>RESPONDING TO ALLEGED ABUSIVE BEHAVIOUR AT SCHOOL</b>  <b>BY A STUDENT 12 AND OVER, INCLUDING A YOUNG OFFENDER</b></p>
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A student 12 to 18 years of age can be charged with a criminal offence under the *Young Offenders Act*. Scenario #4 follows all the steps in Scenario #3 with the additional Step 3a outlined below.

#### **STEP 3a - Report to Police and Youth Probation Officer**

- call the police if a student 12 or over is alleged to have committed a criminal offence at school
- if a student is a young offender on probation, notify the police and youth probation officer of a breach of a young offender's probation order or abusive behaviour that may constitute a breach

<b>INTERNET SAFETY AND ABUSE</b>
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- information about monitoring and controlling access to the Internet is available at: [www.media-awareness.ca](http://www.media-awareness.ca) and at: [www.webawareness.org](http://www.webawareness.org)
- information about dealing with Internet abductions is available at: [www.livewwwires.com](http://www.livewwwires.com)

<b>GENERAL SAFETY GUIDELINES FOR ADULTS WORKING WITH STUDENTS</b>
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- become familiar with how the Internet works and the school board's *Acceptable Use Policy*
- take a real interest in students' positive experiences on the Internet
- remind students not to send out any personal information
- teach students how to respond to inappropriate content or communications
- tell students to report any suspicious contact on the Internet

### **PROTECTING STUDENTS AGAINST SEXUAL PREDATORS**

- students are naturally curious and may become victims through online conversations, in a chat room or via e-mail, often by being shown sexually explicit materials
- educate students about predators who may try to reach them online – a sexual predator will veer away from students who will not keep a secret
- be supportive during times of stress – a predator will sense, manipulate and exploit a child's emotions
- always listen for and talk to students about friends they meet online, especially if they plan to meet in person
- if you suspect an Internet crime, collect a print copy of the web pages in question, record the URL Internet address, and note the date of discovery
- report to a child protection social worker if there is reason to believe that a child is in need of protection
- call the police if a student is in immediate danger

### **SUPPORTING STUDENTS WHO HAVE BEEN ABUSED OR NEGLECTED**

#### **IMPACT OF ABUSE AND NEGLECT ON STUDENTS**

Students who have been abused or neglected or who witness abuse or neglect of their loved ones may experience:

- a sense of loss of their childhood
- feelings of betrayal of trust of adults
- difficulties in forming healthy relationships
- feelings of shame and humiliation
- guilt about being responsible for the abuse
- fear of being re-victimized
- feelings of powerlessness and helplessness
- feelings of anxiety, depression or aggression
- lack of concentration, hyperactivity, poor impulse control

A student may engage in self-destructive behaviours, such as self-mutilation, eating disorders, conduct disorders, criminal activities, suicide attempts, be absent or truant from school or become depressed or anxious.

### **HELPING STUDENTS TO REBUILD RESILIENCY AND TRUST**

A student who has suffered from the trauma of abuse or neglect needs you to:

- be warm and accepting
- focus on his/her assets and strengths
- provide a safe, predictable and consistent classroom environment
- set clear boundaries and clear rules of conduct for all students
- provide routine and structure
- set clear expectations and realistic goals for the student
- be a positive role model
- provide encouragement and believe in the student's capacity to overcome adversity
- be an understanding, non-judgemental and respectful listener

- create a welcoming classroom environment and foster a sense of belonging
- monitor the student for high stress level, anxiety, exhaustion, self-destructive behaviours
- provide opportunities for the student to gain a sense of power and control in his/her life
- report new suspicions about further abuse of the student
- consult with the school counsellor
- work collaboratively with all service providers
- treat student like the other students

## TAKING CARE OF OURSELVES

Working through the issues presented by child abuse or neglect challenges all of us – both personally and professionally. When abuse touches someone close to us, such as one of our students, it can be stressful. Take good care of yourself while you care for and support students who have been abused or neglected.

You may experience many different kinds of feelings and concerns, some frustration that the process takes time, some further worries about your student, and concern about how the response impacts your relationship with the student and his/her family. You may become irritable or exhausted supporting the student and dealing with the acting out and other behaviours exhibited by the student as he/she works through the issues and trauma of being abused.

It is important to look after yourself and learn how to reduce the stress that results from being actively involved with a student who has been abused. Here are some tips:

- remind yourself that you are not responsible for the abuse
- maintain firm boundaries with your student
- maintain good physical health and routines; relax and exercise
- talk with the school counsellor if you begin to feel anxious uncomfortable or exhausted while dealing with a student who has been abused
- seek professional help if you feel overwhelmed by the student's day-to-day struggles

## QUESTIONS AND ANSWERS

### **How are children protected?**

If it appears the student may need protection, a child protection social worker will start an investigation. In all child protection investigations, a child protection social worker will see and interview the child, the child's parents and all other children in the household. The child protection social worker will also interview the alleged offender and any witnesses or other people who may have relevant information about the child and family. If the child is aboriginal, his/her band or community may also be involved. Or, the information may be turned over to an aboriginal child welfare agency. If a student needs protection, the child protection social worker will take whatever steps are most appropriate and least disruptive to protect the child.

### **What happens to a student if he/she needs to be removed from the home?**

Child protection social workers only remove children from their homes when they are in immediate danger or when no less disruptive measure is available to protect them. Whenever children are taken from their family for their own protection, a court process starts. A Family Court judge hears evidence from all sides and decides with whom the child will live. Children who cannot safely stay with family members or friends are placed in foster homes or care facilities that can meet their needs.

### **If I know the family, do I contact the parents before I report to a child protection social worker?**

No, your first responsibility and legal duty is to report to a child protection social worker. Depending on the circumstances of the particular case the child protection social worker may then consult with the school principal or superintendent and/or the police to determine how and by whom the parents will be notified.

**What do I do if my student minimizes the abuse or recants and begs me not to tell anyone about the disclosure?**

You must report child abuse and neglect. This is your duty under the law. Reassure the student that he/she did the right thing in telling you. Reassure the student that the abuse is not his/her fault. Let the student know you want to help keep him/her safe. Tell the student that you are going to call someone who can help him/her right away. Tell the student that you will be there to support him/her. When you report abuse or neglect, you are taking the first and most important step in getting help for the student.

**Will the child protection social worker really keep my name confidential?**

Under the *Child, Family and Community Service Act*, the identify of the person who makes a report will not be revealed without consent unless authorized by law.

**What do I do if I am accused of abusing one of my students?**

Immediately contact the Legal Services Division of the British Columbia Teachers' Federation, the local teachers' association president, the local CUPE union president, and/or a private lawyer.

**What are the consequences for me if I have reason to believe a student needs protection and I do not report?**

The *Child, Family and Community Service Act* imposes a duty on any person who has reason to believe that a child needs protection to promptly report the matter to a child protection social worker at a Ministry for Children and Families office or to call the Helpline for Children (phone 310-1234, toll free across B.C.). Failure to report in these circumstances constitutes an offence under the Act punishable by a \$10,000 fine and/or six months imprisonment, or both.

**If I tell the principal or vice-principal about the disclosure of abuse by a student, do I then have to make a report to a children protection social worker?**

Yes, the legal duty to report is the responsibility of each individual. Any person with reason to believe that a child needs protection has a duty to report directly to a child protection social worker. Informing another person (e.g., a colleague or the principal) does not discharge your legal duty to report directly to a child protection social worker. Remember, if the student discloses alleged child abuse against a school employee or volunteer, do not contact your colleague, the principal or any other person. You must report promptly to a child protection social worker and notify the superintendent of schools. Maintain confidentiality.

**If I am unsure whether the student needs protection, with whom should I consult?**

Contact the local Ministry for Children and Families office and ask to speak to a child protection social worker. The child protection social worker is the person who has the training and expertise to determine if you need to make a report. The child protection social worker will keep your call for consultation confidential. If, after the consultation, the child protection social worker determines that a report must be made, it is your responsibility to promptly report.

**What information am I entitled to know about my student after making a report to the child protection social worker?**

The child protection social worker is required under the *Child, Family and Community Service Act* to report on the results of a child protection investigation to the person who made the child protection report. The child protection social worker must make reasonable efforts to report the results of the investigation, unless reporting the results would cause emotional or physical harm to anyone, endanger the safety of the child, or a criminal investigation is under way.

**RESOURCES**

- *The B.C. Handbook for Action on Child Abuse and Neglect* (1998)
- *Child, Family and Community Service Act*
- *School Act*
- *Trilateral Protocol Template on Responding to Child Abuse and Neglect* (1999)

**CONTACT NUMBERS**

Child Protection Social Worker at Ministry for Children and Families Office:	<u>365-8575 (Castlegar) / 364-0540 (Trail)</u>
Helpline for Children:	<u>310-1234 toll-free in BC</u>
Police:	<u>365-7721 (Castlegar) / 364-2566 (Trail)</u> <u>364-2566 (Rossland) / 364-2566 (Fruitvale)</u> <u>emergency 911</u>
Superintendent of Schools:	<u>368-2227 / 368-6434</u>
School Principal:	<u>_____</u>
Local Teachers' Association Office:	<u>364-1740 / cell 304-8233</u>
British Columbia Teachers' Federation:	<u>1-800-663-9163</u>
Local CUPE Union Office:	<u>364-0297</u>
BC Safe School Centre:	<u>1-888-224-SAFE (7233)</u>
Youth Against Violence Line:	<u>1-800-680-4264</u>