

REPORTING SUSPECTED CASES OF CHILD ABUSE

Background

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

- Providing child abuse prevention programs to students;
- Providing employees and other persons working in schools with training in recognizing signs of child abuse and neglect;
- Providing employees and other persons working in schools with direction and training on their legal obligation to report child abuse and neglect to a Child Welfare Worker under the *Child, Family and Community Service Act*, to the police where the child is in immediate danger, and to the Principal;
- Requiring the Superintendent to investigate and/or report to the police allegations of child abuse involving current and former District employees, volunteers or contract service providers;
- Providing assistance to victims of child abuse and neglect by counselling and referrals to other agencies, as appropriate.

Child abuse can take physical, sexual, or emotional forms, or may take the form of parental neglect. The descriptions of physical abuse, emotional abuse, emotional harm, sexual abuse, sexual exploitation, and neglect contained in the "[BC Handbook for Action on Child Abuse and Neglect for Service Providers](#)" are to be applied for purposes of this Administrative Procedure.

Responses to reports of child abuse and neglect may involve District personnel, child welfare and law enforcement agencies. The District supports a coordinated and collaborative response to reports of child abuse and neglect between the District, the New Westminister Police Service, and the Ministry of Children and Family Development.

Definitions

Child Welfare Worker refers to a person delegated under the *Child, Family and Community Service Act* to provide child welfare services, including responses to suspected child abuse and neglect. The Ministry of Children and Family Development employ Child Welfare Workers authorized to respond to suspected child abuse and neglect.

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

abandonment. “Parent” ([CFCSA s. 1](#)) includes someone with whom a child resides and who stands in place of a parent.

Reason to believe means that, based on observation or information received, the person believes that a child has been or is likely to be at risk. Proof is not required. The Child Welfare Worker may investigate and makes a determination whether abuse or neglect has occurred or is likely to occur. (Further discussion and examples may be found in the [BC Handbook for Action on Child Abuse and Neglect for Service Providers](#)).

Procedures

1. All employees must understand and respect their legal obligation to report child abuse and neglect to a Child Welfare Worker where they have reason to believe that a child is in need of protection within the meaning of the *Child, Family and Community Service Act*.
2. Principals and the Superintendent must also understand their role in coordinating with responsible agencies and in investigating allegations of child abuse against school employees.
3. Individuals under investigation regarding allegations of child abuse or neglect may have contractual or other legal rights during the investigative process. District investigations will be conducted in a manner that is respectful of these rights.
4. The District requires that employees, volunteers and contract service providers receive training on how to recognize signs of child abuse or neglect, how to respond to reports of child abuse or neglect, and standards of conduct for employees, volunteers and service providers governing their interactions with students.
 - 4.1 The Director of Instruction, Learning and Innovation will ensure that appropriate opportunities to receive and/or review training are made available, on an annual basis, to employees, volunteers and contract service providers.
 - 4.2 The Director of Instruction, Learning and Innovation will ensure that child abuse prevention programs are provided to students in accordance with the Ministry of Education’s learning standards.
5. Where allegations of child abuse or neglect involve the conduct of parents or parental failure to protect a child:
 - 5.1 Reporting to a Child Welfare Worker
 - 5.1.1 A District employee who has reason to believe that a child needs protection, must make a report to a Child Welfare Worker. If the employee has a concern but is not sure whether the concern amounts to a reason to believe that the child needs protection, the employee is to consult with the Principal and/or a Child Welfare Worker about whether the indicators observed are cause for concern or amount to reason to believe that the child needs protection. Principals may support employees in consultations or reports but are not to hinder any employee from consulting with a Child Welfare Worker about a concern.

- 5.2 Reporting to the police
 - 5.2.1 Abused or neglected children may be victims of offences under the Criminal Code of Canada such as physical or sexual assault; sexual exploitation; failure to provide the necessities of life; or criminal negligence causing bodily harm.
 - 5.2.2 Where a child is in imminent danger, employees are to notify the police immediately.
 - 5.2.3 Not every incident that might constitute an offence (e.g., a minor physical assault) warrants police involvement. Where a report is made to a Child Welfare Worker, normally the Child Welfare Worker will decide whether there is reason to believe that there has been a criminal offence committed that warrants police involvement and if so, the matter is reported by the Child Welfare Worker to the police in order that they can exercise their law enforcement duties.
 - 5.2.4 If school employees have any question as to whether conduct is to be reported to the police, they are to consult with the Principal and/or a Child Welfare Worker.
- 5.3 Reporting to District Officials
 - 5.3.1 Employees who make reports to a Child Welfare Worker are to inform the Principal and submit a completed Form 325-1 to the Director of Instruction, Learning and Innovation.
- 6. Where allegations of child abuse are made against District employees, volunteers, contract service providers, or others in the school setting:
 - 6.1 Reports of child abuse may involve allegations against District employees, volunteers, contract service providers, or other persons on school property.
 - 6.1.1 Principals and the Superintendent have the primary responsibility for dealing with these allegations. Reports to Child Welfare Workers from the employee who heard the student disclosure are not usually required unless there is reason to believe that children outside the school setting may need protection or the parents are unable or unwilling to take any action required to protect the child.
 - 6.2 Employees who have reason to believe that another employee, volunteer, contract service provider or other person on school property has abused a student must report the incident or information to the Principal immediately. The employee must fill out Form 325-1 and send it to the Superintendent in a sealed envelope. No copies are to be made of Form 325-1. Documentation of the incident is to reflect verbatim comments and/or what was seen personally and not include personal opinions or judgments.
 - 6.3 The Principal, upon receiving the report or information about the incident, will immediately notify the Superintendent.
 - 6.4 Parents of children alleged to have been abused in the school setting must be informed by the Superintendent of the allegation and the outcome of the District investigation, unless there are special circumstances, e.g., relating to a child protection or police investigation, or endangerment of the child.

6.5 District Employees

6.5.1 It is the legal responsibility of all District employees to provide a safe learning environment for students. Where there are allegations of child abuse by a District employee, the Superintendent is responsible to investigate the allegations and/or report the matter to the police. The Superintendent has the authority to suspend an employee whose presence threatens the welfare of students. The Superintendent also has the authority to suspend an employee who is charged with a criminal offence.

6.6 Volunteers

6.6.1 Where there are allegations of child abuse by a volunteer, Principals have the authority to prohibit the volunteer's attendance at school, in accordance with the *School Act* (s. 177(2)) if applicable.

6.7 Contracted Service Providers

6.7.1 Where there are allegations of child abuse by contracted service providers, Principals have the authority to prohibit the service provider's attendance at school, in accordance with the District's contractual rights, property rights and its authority under the *School Act*.

6.8 Other Persons

6.8.1 Where there are allegations of child abuse by other persons, Principals have the authority under the *School Act* to prohibit the person's attendance on school premises (S.A. s. 177) and to seek the assistance of the police.

6.9 Reporting to a Child Welfare Worker

6.9.1 Although the primary responsibility for dealing with abuse allegations involving District employees, volunteers, or contract service providers, rests with the District as employer, there may still be a need to report to a Child Welfare Worker. For example, there may be indications of abuse outside the scope of the District investigation, or the parents may respond to the abuse allegations in a way that suggests that they are unwilling or unable to take any action needed to protect the child or that the child is at risk of being abused by the parent. Where there is reason to believe that abuse or neglect of a child has taken place outside the scope of the District investigation, and the parent is unwilling or unable to protect the child with respect to the abuse that is the subject of the District investigation, employees must report this to a Child Welfare Worker in accordance with the *Child, Family and Community Service Act*.

6.10 Reporting to BC Teachers' Council and other professional bodies

6.10.1 School employees who are members of the BC Teacher Regulation Branch (TRB) have an obligation under the *Teachers Act (Section 38)* to report to the TRB, where they have reason to believe another member is guilty of professional misconduct involving physical harm to a student, sexual abuse or sexual

exploitation of a student, or significant emotional harm to a student. This requirement is in addition to the obligation of the Superintendent to report the dismissal, suspension and discipline of members (or persons holding letters of permission) to the TRB under the *School Act* (S.A. s. 16).

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

6.11 Reporting to District Insurers

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

7. For detailed information about making a child abuse or neglect report, please refer to Appendix A.

*Reference: Sections 7, 9, 15, 16, 17, 20, 22, 65, 79, 85, 177 School Act
Part 3 Child, Family and Community Service Act
Freedom of Information and Protection of Privacy Act
Section 32.2 Health Profession Act
Section 38 of Teachers Act
Criminal Code of Canada
B.C. Handbook for Action on Child Abuse and Neglect – For Service Providers, 2017
Responding to Child Welfare Concerns – Your Role in Knowing When and What to Report, 2017
Interagency Protocol for Reporting and Investigation of Child Abuse and Neglect*

SD No. 40 (New Westminster)

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Modification to this document is not permitted without prior written consent from SD No. 40 (New Westminster)