

CHILD ABUSE INVESTIGATIONS IN SCHOOLS

Background

The District recognizes its responsibility for the well-being of all students in its charge and to that end requires its employees, during their duties, to respond to suspected cases of child abuse in accordance with the procedures which follow.

The District expects that all reports and records of reports shall be dealt with in a highly confidential manner.

Procedures

1. Legal Requirement
 - 1.1. District personnel who have reasonable grounds for believing a child under 19 years to need protection shall, notwithstanding any claim of confidentiality or privilege claimed through a profession or occupation, except that between solicitor and client, immediately report their suspicions to a social worker in the district office of the Ministry of Children and Family Development or to a social worker receiving reports through the Provincial Centralized Screening 1-800-663-9122.
2. When a District employee believes that a student has been physically or sexually abused or neglected (such that his or her safety is endangered) these procedures shall be followed:
 - 2.1. District personnel who make a report to the Ministry of Children and Family Development regarding the protection of a child shall immediately inform the child's Principal.
 - 2.2. Although investigation will be initiated by the Ministry of Children and Family Development, principals may be asked to assist and are required to allow the investigating social worker and the police, if necessary, to interview the child in the school. The nature of this interview is to be determined following consultation among relevant agency personnel. Principals or other staff need not be present at such an interview.
 - 2.3. Responsibility for contact with the parents of the child who is allegedly in need of protection rests with the investigating social worker.
 - 2.4. The Principal will provide appropriate follow-up information to an employee who makes a report.
3. When a District employee believes that a student has been physically or sexually abused by another District employee, these procedures shall be followed:
 - 3.1. District personnel who make a report to the Ministry of Children and Family Development regarding the protection of a child from physical or sexual abuse by a District employee shall immediately thereafter report the circumstances to the Superintendent.



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- 3.2. The Superintendent shall consult with the child's Principal, except where the Principal is the suspected abuser.
 - 3.3. The Superintendent will immediately initiate an investigation with respect to the employee, act as required and inform the Ministry of Children and Family Development of actions taken.
 - 3.4. It is the responsibility of the Superintendent to consult with the police and the Ministry of Children and Family Development to agree on a joint strategy to conduct interviews necessary to determine whether there are grounds for further investigation.
 - 3.5. If the preliminary investigation indicates that the report is unfounded, no further action is required.
 - 3.6. If the need for further investigation is indicated, the Superintendent will meet representatives of the Ministry of Children and Family Development and the R.C.M.P. to agree upon a plan of action.
 - 3.7. The plan will indicate whether further investigation will be undertaken jointly by the social worker, the police officer, and the Superintendent, or independently by the social worker or the police officer, or by the police officer and the Superintendent.
 - 3.8. The Superintendent will obtain from the social worker and/or the police officer a report of the status/progress of the investigation.
 - 3.9. When a District employee is suspected of child abuse, all interviews by R.C.M.P. and the Ministry of Children and Family Development with respect to the case, will take place away from the school.
4. This is Protocol of R.C.M.P. and the District, to be used as an outline when dealing with police/school employees, or as the case may be.
 - 4.1. Reporting

The Inter-Ministry Child Abuse and Neglect Handbook outlines very well each department's procedures and responsibilities, as well as definitions to be aware of.

 - 4.1.1. There are, for the most part, four areas that police will be called upon to attend at the school:
 - 4.1.1.1. Nuisance cases - e.g., loitering, squealing tires, etc.
 - 4.1.1.2. Property cases - e.g., theft, damage.
 - 4.1.1.3. Alcohol/Drug cases - e.g., use, trafficking.
 - 4.1.1.4. Personal cases - e.g., neglect, abuse.
 - 4.2. Employees
 - 4.2.1. Employees must not initiate child abuse investigations on their own or to interview victims, or question suspects, other than to get the brief facts of the case.



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- 4.2.2. Employees are encouraged not to get involved further than necessary, other than to provide safety, and security, for students and staff.
- 4.2.3. Employees must report incidents of suspected child abuse to Ministry of Children and Family Development, and this report will be treated as confidential.
- 4.3. R.C.M.P.
 - 4.3.1. Will respond to, investigate and take necessary action in all cases.
- 4.4. Investigations
 - 4.4.1. R.C.M.P. will provide the reporting employee with case number and will advise of information as to progress of the case, if offender was apprehended and when the case is closed. The Principal will allow R.C.M.P. to interview the child at the school if it is apparently necessary.
- 4.5. Sexual Abuse Cases
 - 4.5.1. It will be understood that sexual abuse cases will be treated with the most amount of care and confidentiality due to the stigma involved for both the victim and the alleged offender.
 - 4.5.2. Furthermore, confidentiality is paramount if the suspect is a District employee. This type of case is to be termed high profile and is to be reported and investigated in a joint manner with the District and the R.C.M.P.
 - 4.5.2.1. When a District employee is suspected of sexual assault on a student, or students, the victims (students) are not to be interviewed at the school.
 - 4.5.2.2. When a conflict arises during any part of an investigation relating to school property or employees, it is advised that the Superintendent and the R.C.M.P. be made aware of it so that they can come to a formal decision to resolve this impasse.
 - 4.5.3. Where allegations of child abuse are made against school-aged students, under the age of 12:
 - 4.5.3.1. School administrators have the responsibility and authority under the *School Act* to investigate allegations that a student has abused another student within the school environment. School administrators may take disciplinary or other remedial action, in accordance with Board Policy.
 - 4.5.3.2. School employees and administrators also have responsibility to take appropriate action to safeguard a student who is the victim of abusive conduct by other students at school and to notify the parents of the students involved.
 - 4.5.3.3. School officials may notify and/or consult the RCMP or MCFD where appropriate, in accordance with the Trilateral Protocol



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Agreement Responding to Child Abuse and Neglect. School authorities have discretion in the circumstances of many minor offences whether to deal with a matter through the school discipline process or whether to call in the RCMP. A report to a Child Welfare Worker is only required where there is reason to believe that the child's parent is unable or unwilling to take action required to protect the child or where there is reason to believe that other abuse (including abuse of the alleged abuser) has taken place outside the scope of the school district investigation and the parent is unwilling or unable to protect the child (or the parent is implicated in the abuse). Employees who do make reports to MCFD should inform the school principal or designate immediately.

Reference: Sections 7, 9, 15, 16, 17, 20, 22, 65, 79, 85, 177 *School Act*
Section 13, 14 *Child, Family and Community Services Act*
Freedom of Information and Protection of Privacy Act
Section 32.2 *Health Profession Act*
Section 27.1 *Teacher Profession Act*
Criminal Code of Canada
B.C. Handbook for Action on Child Abuse and Neglect –For Service Providers, 2007
Responding to Child Welfare Concerns, 2007
Responding to Child Welfare Concerns – Your Role in Knowing When and What to Report
Interagency Protocol for Reporting and Investigation of Child Abuse and Neglect
Delegated Aboriginal Child and Family Services Agency Protocol
Criminal Code of Canada
BCTF Code of Ethics

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