

TRILATERAL PROTOCOL AGREEMENT
RESPONDING TO CHILD ABUSE AND NEGLECT

BETWEEN:

Ministry of Children and Family Development, Powell River

AND

Board of School Trustees, School District N. 47, Powell River

AND

Royal Canadian Mounted Police, Powell River

August, 2010

TABLE OF CONTENTS

I. Statement of Purpose 1

II. Principles 2

III. Definitions 2

IV. Reporting..... 4
Reporting to a child protection social worker 4
Reporting to police 6
Reporting to superintendent of schools.....6
Initial response..... 6

V. Investigations.....7
Introduction.....7
Investigation by a child protection social worker.....8
Investigation by police.....8
Investigation by the superintendent of schools..... 10
Contact with the alleged offender..... 11
Interviewing a child or other witnesses.....12
Advising of the results of an investigation.....13

VI. Information Sharing: Confidentiality and Disclosure..... 14
Introduction.....14
Information to and from child protection social workers.....14
Information to and from police.....15
Information to and from school personnel.....16

VII. Dispute Resolution 17

VIII. Protocol Review Process 17

IX. Training 17

X. Term and Sign-off 18

XI. Appendix A *When a Child Discloses Abuse or Neglect*..... 19

I. Statement of Purpose

The purpose of the protocol is to clarify the roles of the Parties in three areas

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

This protocol

- ☐ serves as an adjunct to *The B.C. Handbook for Action on Child Abuse and Neglect* (1998) and *The B.C. Handbook for Action on Child Abuse and Neglect – For Service Providers* (2007)
- ☐ 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*
- ☐ *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*
- ☐ *Police Act*
- ☐ *School Act*
- ☐ *Teaching Profession Act*
- ☐ *Victims of Crime Act*



II. Principles

These principles are based on the “Guiding Principles” of the CFCSA, 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 to 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

III. Definitions

The following definitions are derived from relevant legislation or the Handbooks.

“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 CFCSA.

“emotional abuse” may range from ignoring to habitually humiliating the child to withholding life-sustaining nurturing. Generally it involves acts or omissions by those in contact with a child that are likely to have serious, negative emotional impacts. It includes the emotional harm caused by witnessing domestic violence. It can include a pattern of scapegoating, rejection, verbal attacks, threats, insults, and humiliation.

“emotional harm” can result when emotional abuse is chronic and persistent. Under the CFCSA a child is defined as emotionally harmed if they demonstrate severe anxiety, depression, withdrawal, or self-destructive or aggressive behavior.



“neglect” is failure to provide for a child’s basic needs. It involves an act of omission by the parent or guardian, resulting in (or likely to result in) harm to the child. It may include failure to provide food, shelter, basic health care, supervision or protection from risks, to the extent that the child’s physical health, development or safety is, or is likely to be, harmed.

“parent” means

(a) for the purpose of the CFCSA

- ☐ the mother of a child
- ☐ the father of a child
- ☐ a person to whom custody of a child has been granted by a court of competent jurisdiction or by an agreement, or
- ☐ a person with whom a child resides and who stands in place of the child's mother or father but does not include a caregiver or director.

(b) for the purpose of the *School Act*

- ☐ a guardian of the person of the student or child,
- ☐ the person legally entitled to custody of the student or child, or
- ☐ the person who usually has the care and control of the student or child.

“physical abuse” is a deliberate physical assault or action by a person that results in, or is likely to result 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. The injuries sustained may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death.

“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” means a principal 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.

“sexual abuse” is when a child is used (or likely to be used) for the sexual gratification of another person. It includes touching or invitation to touch for sexual purposes, intercourse (vaginal, oral or anal), menacing or threatening sexual acts, obscene gestures, obscene communications or stalking, sexual references to the child’s body, requests that the child expose their body for sexual purposes, deliberate exposure of the child to sexual activity or material, and sexual aspects of organized or ritual abuse.



“sexual exploitation” is a form of sexual abuse that occurs when a child engages in a sexual activity, usually through manipulation or coercion, in exchange for money, drugs, food, shelter or other considerations. Children living on the street are particularly vulnerable to exploitation.

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

IV. Reporting

1. Reporting to a child protection social worker

a) the legal duty to report

Section 14 of the *Child, Family and Community Service Act (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 the child has been or is likely to be physically harmed, sexually abused or sexually exploited by a parent or other person and the parent is unwilling or unable to protect the child.
- if the child has been or is likely to be physically harmed because of neglect by the child’s parent
- if the child has been emotionally harmed by the parent’s conduct
- ☐ ☐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’s parent is unable or unwilling to care for the child and has not made adequate provision for the child’s care
- ☐ ☐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, including school employees and police officers, 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 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.

If the reporter is a school employee, contracted service provider, or volunteer, he/she should notify the principal that a report has been made. The reporter should not contact the alleged perpetrator.

If a school district employee receives a query from a parent (either by phone or in person) including why his/her child has not yet arrived home, the employee should advise the parent to contact the child protection social worker.

If the parent arrives at the school looking for his/her child and threatens staff, a school employee may wish to contact the police and should alert the principal.

While this protocol focuses on the roles and responsibilities of the Parties, it is important to remember that the duty to report is not confined to the situations arising in the school setting.

b) Additional reporting requirements of police

Under the CFCSA, police are required to

- ☐ report the circumstances of a child committing a violent act against another person under section 15(2) of the CFCSA
- ☐ report taking charge of a child in immediate danger under section 27(3) of the CFCSA

c) How to report to a child protection social worker

Report by phone or in person to a child protection social worker at a MCFD office

- ☐ Monday to Friday, 8:30 a.m. to 4:30 p.m., call the local district office at (604) 485-0600.



- ☒ Monday to Friday, 4:30 p.m. to 8:30 a.m. and all day Saturday, Sunday and statutory holidays, call the Helpline for Children at 310-1234. This service is toll-free.
- ☒ Deaf (TTY) only - 1-800-667-4770

2. Reporting 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.

A child protection social worker must report to police, if at any point in assessing or investigating a report the child protection social worker has reason to believe that a criminal offence has occurred.

Report a possible criminal offense by phoning the local RCMP detachment at (604) 485-3400 (non-emergency) or 911 (emergency).

3. Reporting to superintendent of schools

If a student is believed to have been abused or neglected in a public school or during school activities by a school district employee, contracted service provider, volunteer, or another student, a report must be made to the superintendent of schools at (604) 414-2600.

4. Initial response

When and where appropriate, the Parties should begin coordinating their initial response with each other as soon as possible.



a) by a child protection social worker

The child protection social worker must assess every report received that alleges that a child may be in need of protection.

The assessment (usually within 24 hours) will result in a decision as to whether or not a child protection investigation is required. MCFD may also offer services, or referrals for services, to families to help meet the needs of children and/or parents.

If a child is in immediate danger the child protection social worker will respond immediately to ensure the safety of the child. This may or may not involve calling the police, school officials or others. Where it appears there is an imminent risk to the child, the police may be able to mobilize the required staff faster than a child protection social worker.

b) 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.

On taking charge of the child under section 27 of the CFCSA, the police officer must immediately report the circumstances to a child protection social worker.

c) by a superintendent of schools or principal

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

The superintendent of schools and/or principal may also 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 that 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 or a superintendent of schools may suspend a student in accordance with any rules established by their board of school trustees.

The superintendent of schools and/or the principal may need to immediately terminate the services of and/or remove from the school a contracted service provider or volunteer.



V. Investigations

1. Introduction

In many situations where there is an allegation of child abuse or neglect, different investigations occurring simultaneously may require a collaborative approach by the Parties. Each Party's role and responsibilities will vary, depending on the purpose of the investigation. An investigation may be conducted by

- ☐ the 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, or his/her designate, as an employer or controller of student discipline, 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 or more of the Parties, the Parties should approach the investigation collaboratively to reduce the impact on the child, and to ensure an efficient response.

2. Investigation by a child protection social worker

The child protection social worker assesses the report to decide how to respond to it, and commences an investigation if there are reasonable grounds to believe that a child needs protection as defined by the CFCSA. When a child protection social worker is responding to a report of child abuse 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.

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 parent, unless the child protection social worker believes the parent:

- ☐ 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 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.

3. Investigation 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 responsibilities of police include, but are not limited to, maintaining 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 require.

Police officers may, through the course of their regular duties, form reason to believe that a child needs protection. Situations where such information may be identified include:

- ☐ inadequate living conditions, e.g., scarcity of food, clothing, heating or sanitation;
- ☐ vulnerable children left unattended, e.g., young child;
- ☐ children left with an irresponsible or inappropriate caregiver;
- ☐ children with a substance abuse problem, e.g., glue sniffing, alcohol or drugs;
- ☐ children with behaviour indicative of emotional dysfunction, e.g., self-mutilation, attempted suicide, fire setting, animal abuse;
- ☐ runaways who report abuse at home;
- ☐ children whose parents have been arrested and where there is no other responsible adult able to take charge;
- ☐ children under 12 years of age who have committed serious crimes;
- ☐ incidents of domestic violence where children are at risk.



When a police officer has reason to believe a child needs protection, he/she must promptly report to a child protection social worker under section 14 of the CFCSA.

If a police officer is unsure about the need to report, he/she should consult with a child protection social worker.

A police officer has the authority to take charge of a child where there are reasonable grounds to believe that the child's health or safety is in immediate danger. The circumstances must be immediately reported to a director under section 27(3) of the CFCSA. Situations which may require a police officer to take charge include:

- ☐ child abandoned in dangerous situations;
- ☐ child at immediate risk of injury;
- ☐ extreme hazard to child due to physical condition of surroundings;
- ☐ parental incapacity due to alcohol or drug abuse, mental illness, to the extent that it endangers a child.

Where a young child under 12 years of age breaks the law, a police officer may take charge and deliver the child to a parent under section 15(1) of the CFCSA. If a child under 12 years of age has committed a violent act against another person, police officers must report this to a child protection social worker under section 15(2) of the CFCSA.

4. Investigation by the superintendent of schools

Where it is believed that abuse was perpetrated by a school district employee, contracted service provider, volunteer or student, an investigation as employer or controller of student discipline will need to be carried out by the superintendent of schools, or his/her designate.

The superintendent of schools is responsible for coordinating the school district investigation.

The superintendent of schools will determine the scope and manner of an investigation in connection with disciplinary matters but the superintendent of schools should be sensitive to any concurrent child protection and/or police investigations to ensure investigations are not prejudiced.

If the superintendent 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.

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.



In other circumstances, a superintendent of schools or principal 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.

In connection with disciplinary matters and/or investigations of child abuse undertaken by a child protection social worker or police, the superintendent of schools, as necessary, will be responsible for any or all of the following matters:

- ☐ 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, including interviewing the child and other witnesses, are not interfered with or compromised by persons under the superintendent of schools' authority;
- ☐ referring inquiries about the child protection and/or police investigations to the appropriate authorities;
- ☐ providing parents with information on the superintendent of schools' investigation, subject to the FOIPPA and the need to avoid prejudicing any child protection and/or police investigations;
- ☐ 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., counselling, critical incident debriefing, referrals, safety plan.

5. Contact with the alleged offender

a) 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.

b) 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.

Where interviews of the parent(s) or other adult witnesses are likely to be required by both police and a child protection social worker, police should consider whether there is a need to collaborate with a child protection social worker in scheduling the timing of these interviews.

c) by a superintendent of schools/school board

A superintendent of schools and/or a 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 school's investigation.

d) by a school principal

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.

6. Interviewing a child or other witnesses

a) general

The parties should make every effort to conduct joint interviews when interviewing children, as this can:

- ☐ reduce 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 child protection and/or criminal investigations.

b) in a school setting

When an investigator wants to interview a child in a school setting, the principal 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.

c) 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.

7. Advising of the results of an investigation

a) 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.

b) 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.

- c) by a superintendent of schools (in the case of an employee or contracted service provider as offender) or principal (in the case of a student as offender).

The superintendent of schools or principal 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 British Columbia 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.

Parents would contact the superintendent of schools for information about school district investigations.

VI. Information Sharing: Confidentiality and Disclosure

1. 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 the 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.

2. Information to and from child protection social workers

NOTE: Section 96 of the CFCSA overrides the FOIPPA but not federal legislation, including the *Privacy Act* and the YOA.

a) a child protection social worker requests information

Section 96 of the CFCSA gives a 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/First Nations administered policing services 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.

Child protection social workers may still request information from the RCMP, and the RCMP will, wherever possible, release information to social workers, subject to the *Privacy Act*.

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.

b) 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.

3. Information to and from police

a) 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.

b) Police share information

RCMP 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.

Among other criteria, 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, which includes an Act or a Regulation.

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

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

Under the federal *Privacy Act* the RCMP may, and under *FOIPPA* the municipal police and First Nations administered police services 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 clearly is necessary.

4. Information to and from school personnel

- a) When the superintendent of schools or principal 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.

- b) 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 certain circumstances, and where disclosure is clearly in the public interest, the superintendent of schools must share information in accordance with section 25 of the FOIPPA, including where health or safety is at risk.

- c) Information about young offenders

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

VII. Dispute Resolution

In the event of a disagreement about a course of action or the appropriateness of a referral or any other matter, the police officer, social worker, or school district employee must attempt to resolve the issue with the other party. If the matter cannot be resolved between line workers, the immediate supervisors of the workers will address the issue. If agreement cannot be reached, the usual “chain of command” in each organization must examine the issue.

At no time should disagreement about the course of an intervention take precedence over a child’s need for protection.

VIII. Protocol Review Process



This protocol will be reviewed every two years at the initiative of MCFD. Reviews can also be undertaken at any time at the request of one of the Parties should there be changes in legislation, identification of shortcomings in the protocol or any other reason.

VIII. Training

Orientation sessions will be arranged periodically to acquaint new staff with this protocol and related matters. The MCFD District Supervisor, the RCMP Supervising Officer, and the Superintendent of Schools will organize these sessions.

Whenever possible, MCFD, the RCMP and the School District will invite staff from the other two agencies to local and regional in-service training events of mutual interest and benefit.



V. Investigations

1. Introduction

In many situations where there is an allegation of child abuse or neglect, different investigations occurring simultaneously may require a collaborative approach by the Parties. Each Party's role and responsibilities will vary, depending on the purpose of the investigation. An investigation may be conducted by

- ☐ the 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, or his/her designate, as an employer or controller of student discipline, 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 or more of the Parties, the Parties should approach the investigation collaboratively to reduce the impact on the child, and to ensure an efficient response.

2. Investigation by a child protection social worker

The child protection social worker assesses the report to decide how to respond to it, and commences an investigation if there are reasonable grounds to believe that a child needs protection as defined by the CFCSA. When a child protection social worker is responding to a report of child abuse 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.

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 parent, unless the child protection social worker believes the parent:

- ☐ 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 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.

3. Investigation 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 responsibilities of police include, but are not limited to, maintaining 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 require.

Police officers may, through the course of their regular duties, form reason to believe that a child needs protection. Situations where such information may be identified include:

- ☐ inadequate living conditions, e.g., scarcity of food, clothing, heating or sanitation;
- ☐ vulnerable children left unattended, e.g., young child;
- ☐ children left with an irresponsible or inappropriate caregiver;
- ☐ children with a substance abuse problem, e.g., glue sniffing, alcohol or drugs;
- ☐ children with behaviour indicative of emotional dysfunction, e.g., self-mutilation, attempted suicide, fire setting, animal abuse;
- ☐ runaways who report abuse at home;



- ☐ children whose parents have been arrested and where there is no other responsible adult able to take charge;
- ☐ children under 12 years of age who have committed serious crimes;
- ☐ incidents of domestic violence where children are at risk.

When a police officer has reason to believe a child needs protection, he/she must promptly report to a child protection social worker under section 14 of the CFCSA.

If a police officer is unsure about the need to report, he/she should consult with a child protection social worker.

A police officer has the authority to take charge of a child where there are reasonable grounds to believe that the child's health or safety is in immediate danger. The circumstances must be immediately reported to a director under section 27(3) of the CFCSA. Situations which may require a police officer to take charge include:

- ☐ child abandoned in dangerous situations;
- ☐ child at immediate risk of injury;
- ☐ extreme hazard to child due to physical condition of surroundings;
- ☐ parental incapacity due to alcohol or drug abuse, mental illness, to the extent that it endangers a child.

Where a young child under 12 years of age breaks the law, a police officer may take charge and deliver the child to a parent under section 15(1) of the CFCSA. If a child under 12 years of age has committed a violent act against another person, police officers must report this to a child protection social worker under section 15(2) of the CFCSA.

4. Investigation by the superintendent of schools

Where it is believed that abuse was perpetrated by a school district employee, contracted service provider, volunteer or student, an investigation as employer or controller of student discipline will need to be carried out by the superintendent of schools, or his/her designate.



The superintendent of schools is responsible for coordinating the school district investigation.

The superintendent of schools will determine the scope and manner of an investigation in connection with disciplinary matters but the superintendent of schools should be sensitive to any concurrent child protection and/or police investigations to ensure investigations are not prejudiced.

If the superintendent 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.

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.

In other circumstances, a superintendent of schools or principal 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.

In connection with disciplinary matters and/or investigations of child abuse undertaken by a child protection social worker or police, the superintendent of schools, as necessary, will be responsible for any or all of the following matters:

- ☐ 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, including interviewing the child and other witnesses, are not interfered with or compromised by persons under the superintendent of schools’ authority;



- ② referring inquiries about the child protection and/or police investigations to the appropriate authorities;
- ② providing parents with information on the superintendent of schools' investigation, subject to the FOIPPA and the need to avoid prejudicing any child protection and/or police investigations;
- ② documenting the results of any investigation performed at the direction of the superintendent of schools;
- ② 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., counselling, critical incident debriefing, referrals, safety plan.

5. Contact with the alleged offender

a) 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.

b) 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.

Where interviews of the parent(s) or other adult witnesses are likely to be required by both police and a child protection social worker, police should consider whether there is a need to collaborate with a child protection social worker in scheduling the timing of these interviews.

c) by a superintendent of schools/school board



A superintendent of schools and/or a 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 school's investigation.

d) by a school principal

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.

6. Interviewing a child or other witnesses

a) general

The parties should make every effort to conduct joint interviews when interviewing children, as this can:

- ☐ reduce 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 child protection and/or criminal investigations.

b) in a school setting

When an investigator wants to interview a child in a school setting, the principal 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.

c) 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.

7. Advising of the results of an investigation

a) 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.

b) 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.

c) by a superintendent of schools (in the case of an employee or contracted service provider as offender) or principal (in the case of a student as offender).

The superintendent of schools or principal 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 British Columbia 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.

Parents would contact the superintendent of schools for information about school district investigations.

IX. Term and Sign-off

Regardless of the date of execution and delivery of the agreement, the term of this Agreement starts on the 1st day of August, 2010 and continues until a Party has given to the other Parties at least 30 days written notice that this Agreement is to end and the period of notice has elapsed.

The Parties have Signed this Agreement as follows:

Signed on behalf of the Ministry of Children and Family Development, Powell River, by its authorized representative on the ____ day of _____, 2010.

Signed: _____

Print Name: _____

Print Title: _____



Signed on behalf of the Board of School Trustees of School District No. 47 (Powell River) by its authorized signatory on the _____ day of _____, 2010.

Signed: _____

Print Name: _____

Print Title: _____

Signed on behalf of the _____ detachment of the Royal Canadian Mounted Police, Powell River, by its authorized representative on the _____ day of _____, 2010.

Signed: _____

Print Name: _____

Print Title: _____

IX. APPENDIX A

When a Child Discloses Abuse or Neglect

- | |
|---|
| <ol style="list-style-type: none">1. Stay calm and listen.2. Go slowly.3. Reassure them that they have not done anything wrong. |
|---|



4. Be supportive.
5. Gather essential facts.
6. Tell the child what will happen next.
7. Report.
8. Make notes.

1. Stay calm and listen.

An abused or neglected child needs to know that you are calm and available to help him/her. Reactions of shock, outrage, or fear may inhibit the child and make him/her feel more anxious or ashamed. A calm response not only allows the child to tell his/her story, it also provides the reassurance that what has happened is not so bad that it cannot be talked about and worked through calmly.

2. Go slowly.

It is normal to feel inadequate or unsure about what to do or say when a child tells you about his/her abuse. As a result, there is a tendency to rush things. Frequently, too much is asked too quickly. Proceed slowly. Gentle questions such as “Can you tell me more about what happened?” are helpful. Avoid questions that begin with “why.”

3. Reassure the child that they have not done anything wrong.

Any questions that are asked are usually associated in the child’s mind with getting into trouble. Avoid using “why” questions. For example: “Why did he/she hit you?” suggests indirectly that the child may have done something wrong and increases the child’s reluctance to discuss the matter.

4. Be supportive.

Children need support and reassurance when discussing their abuse or neglect. It is helpful to let the child know that:

- They are not in trouble
- They are safe with you
- You are glad that they have chosen to tell you about this
- They have done the right thing telling about this



- You are sorry that they have been hurt or that this has happened to them
- You will do everything you can to make sure they are not hurt again, and
- You know others who can be trusted to help solve this problem.

5. Get only the essential facts.

If this is the first time the child has disclosed abuse or neglect, a full investigation will be necessary. The child will be interviewed in depth by a child protection worker and, if there is a criminal investigation, by the police. To avoid the child having to endure multiple interviews, limit your discussion to finding out general what took place. When you have sufficient information and reason to believe that abuse and/or neglect has occurred, gently stop gathering facts and be supportive.

6. Tell the child what will happen next.

Children who disclose their abuse feel anxious and vulnerable about what people think of them and what will happen next. It is important, however, to avoid making promises to the child about what may or may not happen next. For example, avoid promises that the alleged perpetrator won't get into trouble. Provide only reassurance that is realistic and achievable. Discuss with the child what you think will happen next and who will be involved.

7. Report to the child protection worker.

Report disclosures of abuse or neglect immediately to a child protection worker for follow-up and investigation. Express your willingness to help the child through the steps which will follow, if appropriate.

8. Make notes.

Make notes of all comments made by the child about abuse or neglect using the child's exact words where possible. Save all drawings and artwork. This information needs to be shared with the child protection worker, the police and Crown counsel, if appropriate.