



Responding to Student Abuse and Neglect

Rationale

Every student has a right to a life free of abuse, neglect and violence. Child abuse is a serious societal issue. As “service providers”, everyone at Sacred Heart School must be aware of signs of child abuse or neglect and know how to respond to them.

Guiding Principles

1. The safety and well-being of children are the paramount considerations.
2. Children are entitled to be protected from abuse, neglect, harm or threat of harm.
3. A family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents.
4. If, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided.
5. The child’s views should be taken into account when decisions relating to a child are made.
6. Kinship ties and a child’s attachment to the extended family should be preserved if possible.
7. The cultural identity of Aboriginal children should be preserved.
8. Decisions relating to children should be made and implemented in a timely manner.

Policy

Sacred Heart School policies prohibit any form of child abuse, neglect or violence. The *Child, Family and Community Service Act* requires anyone who has reason to believe that a child has been, or is likely to be at risk, has a legal duty to make a report to a child welfare worker or directly to the police if a child is in immediate danger.

- A. At the beginning of each school year, the school principal will review with all school personnel the following 3 documents:
 - a. “*BC Handbook for Action on Child Abuse and Neglect*” (BC Ministry of Children and Family Development)
 - b. “*Responding to Child Welfare Concerns*” (BC Ministry of Children and Family Development)
 - c. “*Supporting our Students: A Guide for Independent School Personnel Responding to Child Abuse*” (Office of the Inspector of Independent Schools BC)



- B. The school principal, Mr. Kozack, is designated as the ‘Appointed School Official (ASO)’ and a second ASO, Mr. Maxwell, is appointed by the principal to act as a backup per *“Supporting Our Students: A Guide for Independent School Personnel Responding to Child Abuse”*.
- C. Sacred Heart School will protect personal information regarding child abuse, neglect or violence against improper or unauthorized disclosure and use.
- D. School personnel will report suspected child abuse, neglect or violence immediately. Everyone who has a reason to believe that a child has been, or is likely to be physically harmed, sexually abused or exploited, or neglected by a parent, or otherwise in need of protection as set out in Section 13 of the Child, Family and Community Service Act is legally responsible under section 14 of that Act to report promptly to a social worker. School personnel, who are uncertain about their duty to report will consult with a social worker who can discuss the options and course of action.
- E. School personnel will inform the principal (or another school official in the event that the principal is the alleged offender) as soon as possible.
- F. School personnel will cooperate with the resulting investigation.
- G. School personnel will support students who have experienced child abuse, neglect or violence.

Procedure

Anyone who suspects a child is being abused or neglected, has the legal duty to report the concern to a local child welfare worker. If the child is in immediate danger, call 911.

The Investigation Process

Investigations into child abuse or neglect are the responsibility of child welfare workers, not School Personnel. However, there may be situations where School Personnel require further information before determining whether there is reason to believe a child needs protection such that the matter should be reported. School Personnel can seek clarification on certain information that they receive (for example, clarifying a statement the child has made, or inquiring about a child’s provisions, such as lunch or clothes) to determine whether to make a report. Generally speaking, School Personnel should avoid interviewing the child or youth, as it is the child welfare worker’s responsibility to determine whether child abuse or neglect has taken or is taking



place and to decide on the appropriate action to take. For further guidance on how and when to seek further information to determine whether to make a report, please refer to pages 39-42 of the BC Handbook for Action on Child Abuse and Neglect.

Summary of Roles and Responsibilities

1. Parents/Guardians have the primary responsibility to protect their children. Where parents are unwilling or unable to care for a child or protect the child from harm, the Ministry of Children and Family Development (MCFD) is authorized to intervene.
2. MCFD has the lead responsibility for responding to suspected child abuse and neglect. In cases involving aboriginal children the Ministry delegates authority to the Aboriginal Child and Family Services Agency, which provides services to aboriginal communities.
3. Police officers and child welfare workers have complementary roles in responding to reports of suspected child abuse or neglect. Police can respond quickly to protect children and youth who are in immediate danger. They also play a key role when a criminal offence may have been committed against a child or youth. Police have authority under the Criminal Code of Canada and the Child, Family and Community Service Act to respond:
 - When a child or youth is in immediate danger; and
 - When a criminal offence against a child or youth is suspected.
 - When an officer has reasonable grounds to believe that a child's or youth's safety or well-being is in immediate danger, the officer has the authority to take charge of the child or youth and notify a child welfare worker as quickly as possible.

Where a criminal offence against a child or youth is suspected, police may investigate, working in collaboration with child welfare workers

4. As service providers, School Personnel, must be aware of signs of possible child abuse or neglect and respond to any concern about a child's safety or well-being and are required to:
 - Report any instances of abuse or neglect to a child welfare worker (or if the child is in immediate danger, call the police first)
 - Cooperate fully with the Ministry of Children & Family Development and the police in regard to any investigations.



In terms of fulfilling the obligations above, and if an investigation is initiated, the ASO is primarily responsible for liaising with the child welfare worker and/or police as applicable. The ASO can seek appropriate guidance from the child welfare worker and/or police in regard to matters such as:

- Communications with parents/guardians – including whether the parent/guardian will be contacted about the investigation, and if so by whom and when;
- Arranging interviews of the child with the child welfare worker and/or police.

The child welfare worker and/or police is ultimately responsible for determining the structure of interviews, including where to interview the child, who should be in attendance and whether the parent/guardian will be contacted in advance of or subsequent to the interview taking place.

A child welfare worker may ask school personnel to [see BC Handbook age page 49]:

- Offer an appropriate place to interview the child;
- Attend the interview to support the child, if requested;
- Offer support to the child or family, if requested;

The ASO is also responsible for working with childcare workers to determine whether a child has been harmed by someone who works or volunteers at the school or works on contract for the school. The role of the alternate appointed official is to ensure the continuity of the reporting and investigation process in the event of possible involvement of the primary appointed official in a matter that falls under section 14 of the CFCSA.

The ASO may be required to:

- investigate on behalf of the school authority whether there is a duty to report
- ensure a safe school environment during investigations
- consult with the child welfare worker and/or police
- ensure that no school employee interferes with any investigations
- communicate with parents/guardians concerning actions taken by the school authority
- report to the British Columbia Teacher Regulation Branch and/or the Inspector of Independent Schools when the School Authority dismisses, suspends, or otherwise disciplines a certified teacher (Independent School Act section 7; Inspector's Order 1 1/92, Discipline Reporting Order) and



- refer student(s) for counselling

5. Anyone who has reason to believe that a child may be at risk, and the child's parents are unwilling or unable to protect the child, has a legal duty to report to a child welfare worker. The duty to report overrides any duty to protect the privacy of others with the exception of solicitor-client privilege or confidentiality provisions of the federal *Youth Criminal Justice Act*.

Application of Other Policies

To ensure that School Personnel can report instances of suspected child abuse and neglect without fear of reprisal, consistent with the protections provided under the CFCSA, as well as to protect the privacy and well-being of children who disclose instances of abuse or neglect, Policy 302 (Major Complaints) does not apply to any actions or decision by School Personnel pursuant to this Policy. In particular, no complaint can be made under Policy 302 in respect of:

- Reports by School Personnel to the police or to a child welfare worker, of a child in need of protection;
- Any actions taken by School Personnel on the direction of the police or a child welfare worker, pursuant to this policy;
- The School personnel carrying out any obligations or duties pursuant to this Policy.