602.17AP – Child Protection

Purpose

The Board of Education for Nanaimo Ladysmith Public Schools strongly believes that students have the right to basic physical and emotional support in an environment that nurtures their growth and development where they are free from abuse and neglect. There is a shared responsibility on the part of all adults to recognize and appropriately address disclosures and/or suspected symptoms of abuse and neglect.

The Board will support a comprehensive, coordinated and collaborative approach to appropriately address all issues related to child abuse and neglect.

All employees in Nanaimo Ladysmith Public Schools are to exercise their duty to report any disclosures and/or suspected instances of child abuse and neglect by:

1. providing child abuse prevention programs to students;
2. providing school officials, employees and other persons working in schools with training in recognizing signs of child abuse and neglect;
3. providing school officials, 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 RCMP where the child is in immediate danger, and to school officials;
4. requiring school officials to investigate and/or report to the police allegations of child abuse involving current and former school district employees, volunteers or contract service providers;
5. establishing a child abuse/neglect reporting procedural guide with the Ministry of Children and Family Development (MCFD) to identify the roles and responsibilities of school officials and personnel from other agencies, in responding to allegation of child abuse or neglect; and
6. offering assistance to victims of child abuse and neglect through counselling services and/or referrals to community agencies as appropriate.

A. Recognizing Child Abuse and Neglect

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 (January 2016)' (pages 23-25) should be applied for purposes of this administrative procedure.

B. Reporting and Investigation

The Board acknowledges that responses to reports of child abuse and neglect may involve Board of Education personnel, child welfare and law enforcement agencies.

The Board supports a coordinated and collaborative response to reports of child abuse and neglect between the school district, the Nanaimo and Ladysmith RCMP detachments, the Ministry of Children and Family Development and Kw'umut Lelum. The Board supports the development of a procedural guide that sets out roles and responsibilities for reporting and investigating child abuse/neglect issues and is consistent with the *Child, Family and Community Service Act*.

All school officials and 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*. They also need to comply with their reporting obligations concerning child abuse and neglect as identified in the 'NLPS - MCFD Procedural Guide - January 20, 2016'.

C. Respecting the Rights of Accused Individuals

The Board acknowledges that individuals under investigation regarding allegations of child abuse or neglect may have contractual or other legal rights during the investigative process. School district investigations will be conducted in a manner that is respectful of these rights.

D. Training and Educational Programs

The Board requires that school district personnel 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.

The Superintendent or designate will ensure that appropriate opportunities to receive and/or review training are made available, on an annual basis, to school district personnel.
The Superintendent or designate will ensure that child abuse prevention programs are provided to students in accordance with the Ministry of Education's prescribed learning outcomes.

Procedure

The following procedure will be followed when reporting child abuse and neglect:

1. Definitions

Child Welfare Worker

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 and fully Delegated Aboriginal Child and Family Service Agencies employ Child Welfare Workers authorized to respond to suspected child abuse and neglect.

RCMP

The Nanaimo and Ladysmith local detachments of the Royal Canadian Mounted Police (RCMP).

Superintendent

The school district's Superintendent/CEO appointed under the *School Act* and includes any person designated by the Superintendent to fulfill the Superintendent's responsibilities described herein.

2. Where allegations of child abuse or neglect involve the conduct of parents or parental failure to protect a child:

Reporting to a Child Welfare Worker

The Child, Family and Community Service Act makes it a legal duty (CFCSA s. 14) of every person who has reason to believe that a child needs protection as defined in that Act (CFCSA s. 13) to report the matter to a Child Welfare Worker.

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.

Needs protection – occurs when a child's parent, or by another person if the parent is unwilling or unable to protect the child in circumstances of physical harm, sexual abuse and exploitation or emotional harm. 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 (except if placed there by Ministry of Children and Family Development or Delegated Aboriginal Child and Family Services Agency).

A school 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 should consult with school officials 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. School officials may assist or support staff in consultations or reports but should not hinder any employee from consulting with a Child Welfare Worker about a concern.

Reporting to the RCMP

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.

Where a child is in imminent danger, school officials should notify the RCMP immediately.

Not every incident that might constitute an offence (e.g., a minor physical assault) warrants RCMP 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 RCMP involvement and if so, the matter is reported by the Child Welfare Worker to the RCMP in order that they can exercise their law enforcement duties.

If school district employees have any question as to whether conduct should be reported to the RCMP, they should consult with school officials and/or a Child Welfare Worker.

Reporting to School District Officials

Employees who believe they need to make a report to a Child Welfare Worker regarding abuse and/or neglect are requested to do so by following the protocols as outlined in the 'NLPS - MCFD Procedural Guide - January 20, 2016'.

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