

Child Abuse Policy

Purpose

Kimberley **Independent** School is committed to providing a safe and secure workplace for all staff and students. The purpose of this policy is to provide specific guidance to the employees of Kimberley Independent School in fulfilling the commitment to assist in child abuse prevention and in providing reporting protocols if child abuse is suspected or known to have occurred.

Guiding Principles

The following guiding principles are provided to inform all parties serving children and families.

- The safety and well-being of children are the paramount considerations.
- Children are entitled to be protected from abuse, neglect, harm or threat of harm.
- 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.

Protocol on Reporting Child Abuse and/or Neglect Involving Parents or Parental Failure to Protect a Child

The following protocol will be used when dealing with a suspected case of child abuse:

a) The school principal is designated as the "Appointed School Official (ASO)." All staff and volunteer personnel will be informed if a person other than the principal has been named as the Appointed School Official.

Appointed School Official (ASO): Louisa Neufeld
Alternative Appointed School Official (AASO): Alicia Stevenson

b) Any school personnel who suspect or have information that a child is being abused or at risk of being abused, must promptly contact the Ministry of Children and Family Development (MCFD) or the Aboriginal Child and Family Services Agency (See Appendix A for contact information) AND the Appointed School Official. If the Appointed School Official is the alleged abuser, then school personnel, after reporting to the previously mentioned agencies, will report to the Alternative Appointed School Official, chairperson of the Board of Directors governing the school.

It is the legal duty of all persons who have concerns that a child is being or is likely to be abused or neglected to report to the appropriate authorities, who will assess the report and, if appropriate, investigate. (CFCSA Section 13)

c) Anyone who has 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 guardian, or otherwise in need of protection as set out in Section 13 of the *Child, Family and Community Services Act* is legally responsible under Section 14 of the Act to report promptly to a child welfare worker. “Reason to believe” simply means that, based on what was seen or information received, a person believes a child has been or is likely to be at risk. The reporter need not be certain. It is the child welfare worker’s job to determine whether abuse or neglect has occurred or is likely to occur.

School personnel, who are uncertain about their duty to report, will consult with a child welfare worker who can discuss the options and appropriate course of action (See Appendix A for contact information).

- d) The police must be contacted immediately if the child is in any immediate danger.
- e) School personnel will not contact the parents or guardians who may be involved in allegedly abusing the child; this is the responsibility of the child welfare worker.
- f) School personnel will cooperate fully with any resulting investigation, including assisting with the interviews of children and staff as necessary.
- g) The school will protect personal information regarding the investigation, including the reporter’s identity, against improper or unauthorized disclosure or use. School personnel should not share information with outside agencies about child abuse investigations, particularly if the police are involved.
- h) The Appointed School Official will ensure that the school environment is safe during any investigation.
- i) School personnel will support students who are victims of child abuse or neglect.

Procedures Where Allegations of Child Abuse are Made Against Independent School Staff, Volunteers, Contract Service Providers or Others in the School Setting

According to the MCFD handbook, *“The BC Handbook for Action on Child Abuse and Neglect – For Service Providers”*, p32, “If the abuse occurs in a setting such as a school, youth custody or child care centre, the head of the organization is responsible for responding.” It is the legal responsibility of school officials and employees to provide a safe learning environment for students. If the school officials and employees believe that a child is being abused or at risk, there is a legal duty to report the concern to the local child welfare worker and the police if the child is in imminent danger.

1. Independent School officials have the primary responsibility for dealing with allegations of child abuse involving independent school employees, volunteers, contract service providers, or others on independent school property or supervising an independent school activity outside of the school.

i. Staff Member

Where there are allegations of child abuse by a school staff member, the principal or ASO is responsible to investigate the allegations and report the matter to a Child Welfare Worker if there is reason to believe that the child is in need of protection, or the police if there is reason to believe the child is in imminent danger or that a criminal offense has been committed. The principal has the authority under the Independent

School Act (ISA), Section 7 (2) (b) to suspend a school staff member whose presence threatens the safety and welfare of students.

ii. Volunteer

Where there are allegations of child abuse by a volunteer, the principal or ASO is responsible to investigate the allegations and report the matter to a Child Welfare Worker if there is reason to believe that the child needs protection, or the police if there is reason to believe the child is in imminent danger or that a criminal offense has been committed. The School Authority has the authority to issue a “No Trespass Order” prohibiting attendance at school by a volunteer whose presence threatens the safety and welfare of students.

iii. Contract Workers and Other Persons

Where there are allegations of child abuse by a contract worker or other person at school or at an independent school activity outside of the school, the principal or ASO is responsible to investigate the allegations and report the matter to a Child Welfare Worker if there is reason to believe that the child is in need of protection, or the police if there is reason to believe the child is in imminent danger or that a criminal offense has been committed. The School Authority has the authority to issue a “No Trespass Order” prohibiting from attending at the school a contract worker or other person whose presence threatens the safety and welfare of students.

School personnel, who are uncertain about their duty to report, are encouraged to consult with a child welfare worker who can discuss the options and appropriate course of action (See Appendix A for contact information).

2. School personnel who have reason to believe that another employee, volunteer, contract service provider or other person on school property or supervising an independent school activity outside of the school has abused a student, must report the incident or information to the school principal or Appointed School Official. It is the responsibility of the principal or ASO to investigate the allegations and, in collaboration with the school personnel, determine what action is required.
3. Parents of children alleged to have been abused in the school setting must be informed by the principal or Appointed School Official of the allegations and the outcome of the school investigation, unless there are special circumstances, e.g., relating to a child protection or police investigation, or endangerment of the child.
4. In addition to the authority provided in the Independent School Act (ISA, Kimberley Independent School) has the following policy(s) dealing with professional misconduct of employees: (Cite the policy(s) by the independent school or association)
5. Where there are allegations of child abuse by a staff member, volunteer, contract service provider or other persons, the School Authority has the authority to issue a “No Trespass Order” prohibiting the volunteer’s attendance at school. The order, provided orally or in writing, to the volunteer, contracted service provider or other person, and copied to the police, must specify the date of issue, the reason for the order and the termination date of the order (Such orders may be re-issued on an annual basis if required). This authority is provided under the Trespass Act, s. 4 (1), (b)(c).

Reporting to the Police

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6. Not every incident that might constitute an offense if proven will warrant police involvement. School officials are expected to exercise judgment. Where there is reason to believe that the alleged child abuse by employees, volunteers, contract service providers or other persons may constitute a criminal offence warranting police involvement, the school official should consult with the police regarding the matter.

Reporting to a Child Welfare Worker

7. Although the primary responsibility for dealing with abuse allegations involving independent school staff, volunteers or contract workers, rests with an independent school official, there may still be a need to report to a Child Welfare Worker. Where there is reason to believe that abuse or neglect has taken place outside the scope of the independent school investigation and the parent is unwilling or unable to protect the child, or there is Reason to believe that the parent is unwilling or unable to protect the child with respect to the abuse that is the subject of the independent school investigation, a school official must report this to a Child Welfare Worker in accordance with the Child, Family and Community Service Act (CFCSA).

Duty to Report Professional Misconduct

An authorized person (certificate holder or a person who holds a letter of permission), must promptly provide the commissioner a written and signed report if the authorized person has reason to believe that another authorized person has engaged in conduct that involves sexual abuse or sexual exploitation of a student (Teachers Act, s 38 (1)(b)).

If a principal suspends, dismisses or disciplines an authorized person for misconduct that involves physical harm to a student or minor, or significant emotional harm to a student or minor, the principal must without delay send to the commissioner a report regarding the suspension, dismissal or disciplinary action (ISA s. 7.2). If an authority suspends, dismisses or disciplines an authorized person, the authority must without delay notify the principal who must without delay report the matter to the commissioner (ISA s. 7.3).

Protocols on Relationships with Partner Agencies

The school will obtain the names and contact information of local agencies that will provide assistance when dealing with child abuse and/or neglect. (Agencies and contact information are provided in Appendix A.)

The Appointed School Official will inform school staff of local protocols that are in place with MCFD or a Delegated Aboriginal Child and Family Services Agency, for cases of suspected child abuse and/or neglect. Police are contacted whenever there is a criminal investigation, or the child is in immediate danger. Employees should become familiar with these protocols as outlined in Appendix A.

School personnel will promote a working relationship with the local MCFD and Police on reporting suspected cases of child abuse and/or neglect and cooperating with these parties in their response to

reports. The school will identify personnel within MCFD who are able to support the school in training staff to recognize signs of abuse, protect abused students and report abuse and neglect to the appropriate authorities.

Staff Training and Review

The Appointed School Official will ensure that annual training is provided to all school personnel, contractors and volunteers who are working with children and ensure they are aware of and understand how to carry out their legal duty when responding to concerns about child abuse and/or neglect. Training will include recognizing child abuse and/or neglect, what actions are required, prevention measures, reporting child abuse and/or neglect protocols, and everyone's legal responsibility if they suspect abuse and/or neglect of a child. (Specific information on child abuse and/or neglect is included in the KIS Handbook for Action on Child Abuse and Neglect.)

The authority/school will train school personnel on how to respond when concerns about child abuse and/or neglect arise. This information is available in *The BC Handbook for Action on Child Abuse and Neglect*.

The authority/school will annually review with school personnel the information on different types of child abuse, recognizing child abuse and/or neglect and types of disclosures that abused children may provide. This information is available in *The BC Handbook for Action on Child Abuse and Neglect*, pages 21 – 33.

The annual training will be provided by the school at the beginning start-up meeting of each school year.

Appendix A

Contact Information for Partner Agencies with Respect to Child Abuse

In the event of suspected child abuse and/or neglect, the individual learning of or suspecting abuse and/or neglect will contact one or more of the following agencies: Ministry of Children and Family Development (MCFD), the Delegated Aboriginal Child and Family Services Agencies, the Police if the child is in immediate danger and/or when a criminal offense is suspected. In a case where the disclosure suggests that the child is in immediate danger, the child is kept at the school until the police arrive.

If a child is in immediate danger, or if a criminal offense has occurred, is occurring, or is likely to occur, call the police. Make a report to the child welfare worker at MCFD after you have called the police.

If the child is not in immediate danger, but you have reason to believe that he or she has been or is likely to be abused or neglected, call a local child welfare worker at MCFD. Contact information is listed in Appendix A of this policy. If it is after hours and you are not sure whom to call, phone the Helpline for Children toll free at 310-1234 (no area code) any time of day or night from anywhere in BC.

1. To report a case of suspected abuse and neglect to the Ministry of Children and Family Development, please call the following number(s):
 - **MCFD (local office(s)): 1-250-426-1514 or 1-800-663-9122**
 - **Aboriginal Child and Family Service Agency: (250) 489-1536 or 1 800 663 7867**
2. To report that a child is in immediate danger and/or a criminal offence against a child has been or is likely to be committed, please call:
 - **Police: (250) 427-4811**
 - **Emergency: 9-1-1**

Appendix B

Legislation and Government Protocols

The following legislation and protocols are in place to protect the safety and wellbeing of children:

- a) The *Child, Family and Community Service Act*, available online at:
www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm
- b) The *Criminal Code of Canada*, available online at: <http://laws.justice.gc.ca/en/C-46/>
- c) *Freedom of Information and Protection of Privacy Act*, available online at:
http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_01
- d) *Youth Criminal Justice Act*, available online: www.justice.gc.ca
- e) *The BC Handbook for Action on Child Abuse and Neglect – For Service Providers*, available online at:
www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf
- f) *Responding to Child Welfare Concerns – Your Role in Knowing When and What to Report*, available online at: http://www.mcf.gov.bc.ca/child_protection/pdf/child_welfare_your_role.pdf

Appendix C

Glossary/Definitions

Appointed School Official: The person designated by the authority/school to take responsibility for child abuse and/or neglect cases on behalf of the school.

Aboriginal: Includes First Nations, Inuit, and Metis peoples

Authorized Person: A certificate holder, or a person who holds a letter of permission issued under section 35 of the Teachers Act.

Child: Anyone under the age of 19 in British Columbia; Ref: *Child, Family and Community Service Act* (CFCSA)

Child Welfare Worker: A person delegated under the CFCSA to provide child welfare services, including responses to suspected child abuse and/or neglect

Delegated Aboriginal Child and Family Services Agency: An organization that provides culturally-appropriate services to Aboriginal children and families, and whose child welfare workers have delegated authority under the *Child, Family and Community Service Act* to provide child welfare services, including responses to suspected child abuse and/or neglect

Independent School Authority: Generally, means a society with a board of directors registered under the Society Act, operating an independent school

Parent or Guardian: The mother of a child; the father of a child; a person to whom custody of the child has been granted by a court order or agreement; or a person with whom the child resides and who stands in place of the child's mother or father

Partner Agency: Refers to an agency that has been established by government for purposes of contact, communication and information sharing on child abuse, and for the purpose of this policy, include the Ministry of Children and Family Development, Delegated Aboriginal Child and Family Services Agencies and the police

Service Provider: Any of a wide range of employees, contractors, and volunteers who provide services for children and families in an independent school. Extensive child support is also provided through agencies in the community (See page 8 of the *BC Handbook for Action on Child Abuse and Neglect – For Service Providers* for an extended list)