



Section Four: Students

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**453R – CHILD PROTECTION
(REGULATIONS)**

School District Procedures for 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.

Interagency Child Abuse/Neglect Reporting and Investigation Protocol (1999)

The interagency agreement between the Board of Education, The Ministry of Children and Families (Okanagan Region) the RCMP (Kelowna, Lake Country, Central Okanagan Rural) as amended from time to time, setting out responsibilities of the respective agencies in reporting and responding to situations involving concerns about child abuse or neglect.

RCMP

The Royal Canadian Mounted Police (RCMP) local detachments (Kelowna, Lake Country, West Kelowna and Central Okanagan Rural) or other designated policing authority.

Superintendent

The school district’s Superintendent of Schools 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.



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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 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.



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Reporting to School District Officials

Employees who make reports to a Child Welfare Worker should inform the school principal or counsellor.

3. Where allegations of child abuse are made against a school district employee, volunteer, contract service provider, or others in the school setting

Reports of child abuse may involve allegations against a school district employee, volunteer, contract service provider, or other persons on school property. School officials have the primary responsibility for dealing with these allegations; reports to Child Welfare Workers from school officials are not usually required unless there is reason to believe that children outside the school setting may need protection or the parents are unable or unwilling to take any action required to protect the child.

Employees who have reason to believe that another employee, volunteer, contract service provider or other person on school property has abused a student must report the incident or information to the school principal or counsellor.

Parents of children alleged to have been abused in the school setting must be informed by school district officials of the allegation and the outcome of the school district investigation, unless there are special circumstances, e.g., relating to a child protection or police investigation, or endangerment of the child.

School District Employees

School officials and employees are legally responsible to provide a safe learning environment for students. Where there are allegations of child abuse by a school district employee, the Superintendent is responsible to investigate the allegations and/or report the matter to the RCMP in accordance with the *Interagency Child Abuse/Neglect Reporting and Investigation Protocol*. The Board and Superintendent have the authority under the *School Act* ([s. 15](#)) to suspend an employee whose presence threatens the welfare of students. The Board also has the authority under the *School Act* to suspend an employee who is charged with a criminal offence.

Volunteers

Where there are allegations of child abuse by a volunteer, a principal has the authority to prohibit the volunteer’s attendance at school, in accordance with policy 750 – Volunteers and/or the *School Act*.

Contracted Service Providers

Where there are allegations of child abuse by contracted service providers, school officials have the authority to prohibit the service provider’s attendance at school, in



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accordance with the School District’s contractual rights, property rights and its authority under the *School Act*.

Other Persons

Where there are allegations of child abuse by other persons, a principal has the authority under the *School Act* to prohibit the person’s attendance on school premises and to seek the assistance of the RCMP, in accordance with the *Interagency Child Abuse/Neglect Reporting and Investigation Protocol*.

Reporting to the RCMP

Not every incident that might constitute an offence if proven will warrant RCMP involvement. School administration is expected to exercise judgment. Where there is reason to believe that the alleged child abuse by an employee, volunteer, contract service provider or other persons may constitute a criminal offence warranting RCMP involvement, school administration should consult with the RCMP regarding the matter. Where the RCMP initiates a criminal investigation, the Superintendent must cooperate with the RCMP, in accordance with the *Interagency Child Abuse/Neglect Reporting and Investigation Protocol*.

Reporting to a Child Welfare Worker

Although the primary responsibility for dealing with abuse allegations involving a school district employee, volunteer, or contract service provider or other persons rests with the School District as employer, there may still be a need to report to a Child Welfare Worker. For example, there may be indications of abuse outside the scope of the school district investigation, or the parents may respond to the abuse allegations in a way that suggests that they are unwilling or unable to take any action needed to protect the child or that the child is at risk of being abused by the parent. Where there is reason to believe that abuse or neglect of a child has taken place outside the scope of the school district 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 school district investigation, school administrators must report this to a Child Welfare Worker in accordance with the *Child, Family and Community Service Act*.

Reporting to the BC Teachers’ Council and other professional bodies

School employees and officials who are members of the BC Teachers’ Council have an obligation under the *Teachers Act* to report to the Council where they have reason to believe another member is guilty of professional misconduct involving physical harm to a student, sexual abuse or sexual exploitation of a student, or significant emotional harm to a student. This requirement is in addition to the obligation of school officials to report the dismissal, suspension and discipline of members (or persons holding letters of permission) to the Council under the *School Act* (S.A. s. 16).



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If an employee or contractor is a registered member of another professional body, such as the BC College of Psychologists or the College of Registered Nurses of BC, there may be duties to report to their professional body.

4. Where allegations of child abuse are made against school-aged students

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.

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.

School officials may notify and/or consult the RCMP or a Child Welfare Worker where appropriate, in accordance with the *Interagency Child Abuse/Neglect Reporting and Investigation Protocol*. 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 a Child Welfare Worker should inform the school principal or counsellor.

5. Reporting to School District Insurers

If the circumstances indicate that a civil claim is likely to be made against the school district or its staff, volunteers or school aged student as a result of the incident, the Secretary Treasurer is responsible for ensuring that a report is made to the School Protection Program.

References:

BC Handbook for Action on Child Abuse and Neglect for Service Providers, 2007, Ministry of Children and Family Development
Responding to Child Welfare Concerns, 2007, Ministry of Children and Family Development
Child, Family and Community Service Act, sections 13 and 14
School Act, sections 15, 16, 177
Teachers Act