



Procedural Guide
Supporting NLPS Staff
In Reporting
CHILD ABUSE AND NEGLECT

Created in partnership by
Nanaimo Ladysmith Public Schools &
MCFD (*Ministry of Children and Family Development*)

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DEFINITIONS

Child: in British Columbia, under the *Child, Family and Community Service Act (CFCSA)*, a child is anyone under the age of 19. Under the Criminal Code of Canada a child is defined as anyone under the age of 18.

Physical Abuse: 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 by the child 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.

Emotional Abuse: This is the most difficult type of abuse to define and recognize. It 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. Emotional abuse may occur separately from, or along with, other forms of abuse and neglect. **It includes the emotional harm caused by witnessing domestic violence.** Emotional abuse can include a pattern of scapegoating, rejection, verbal attacks on the child, threats, insults, and humiliation.

Emotional Harm: When emotional abuse is chronic and persistent, it can result in emotional harm to the child. Under the Child, Family and Community Service Act, a child is defined as emotionally harmed if they demonstrate severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour.

Historical Abuse: Historical abuse refers to any type of abuse that had occurred in the past.

Neglect: 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. Neglect 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.

Sexual Abuse: 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 or penetration with any object (vaginal, oral or anal), menacing or threatening sexual acts, obscene gestures, obscene communications or stalking, sexual references to the child's body/behaviour by words/gestures, 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 Abuse includes:** performing sexual acts, sexually explicit activity for entertainment, involvement with escort or massage parlour services, and appearing in pornographic images. Children living on the street are particularly vulnerable to exploitation. Children in the sex trade are not prostitutes or criminals. They are victims of abuse.

Sexual Exploitation: 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. Sexual activity includes:

- Performing sexual acts
- Sexually explicit activity for entertainment
- Involvement with escort or massage parlour services, and
- Appearing in pornographic images.

1. PURPOSE OF THIS PROCEDURAL GUIDE

This procedural guide is a written agreement that provides clear guidance on what to report and how different agencies will work together to respond to suspected child abuse and neglect when these allegations occur in the following situations:

- By adults in the home
- By school personnel
- By other children
- By adults outside the child's home or school environment
- Historical sexual abuse

Following this procedural guide at all levels will help to ensure an effective, collaborative response to child abuse and neglect. In case of any inconsistency between this procedural guide and **The Child, Family and Community Services Act**, the *Act* takes precedence.

The procedural guide covers three distinct procedures involving joint response by MCFD, School District 68 and the RCMP to any alleged maltreatment of students including:

1. *Reporting* suspected child abuse and neglect
2. *Sharing* appropriate information between MCFD, SD 68 and RCMP

Note: Issues relating to investigation are not part of this procedural guide. Some investigations may be conducted by the school district and others by the RCMP. **All criminal investigations will be conducted by the RCMP.**

2. THE CHILD, FAMILY AND COMMUNITY SERVICES ACT

Sections 13 and 14 of the Child, Family, and Community Services Act are the legal guidelines to be followed regarding the protection of children.

PROTECTION OF CHILDREN (SECTION 13)

- (1) Protection is required in the following circumstances **if the child:**
 - a) has been, or is likely to be, physically harmed by the child's parent
 - b) has been, or is likely to be, sexually abused or exploited by the child's parent
 - c) has been, or is likely to be, physically harmed, sexually abused, or sexually exploited by another person *and* if the child's parent is unwilling or unable to protect the child
 - d) has been, or is likely to be, physically harmed because of neglect by the child's parent
 - e) is emotionally harmed by the parent's conduct
 - f) is deprived of necessary health care
 - g) is likely to be seriously impaired developmentally in the case of a treatable condition, and the child's parent refuses to provide or consent to treatment
 - h) has parent(s) who is/are unable or unwilling to care for the child and has not made adequate provision for the child's care
 - i) child is, or has been, absent from home in circumstances that endanger the child's safety or well being
 - j) has parent(s) who is/are dead and adequate provision has not been made for the child's care
 - k) has been abandoned and adequate provision has not been made for the child's care

- (1.1) For the purpose of subsection (1) (b) and (c) and section 14 (1) (a) but without limiting the meaning of “sexually abuse” or “sexually exploited”, a child has been, or is likely to be, sexually abused or sexually exploited if the child has been, or is likely to be:
 - a) encouraged or helped to engage in prostitution
 - b) coerced or inveigled into engaging in prostitution
- (2) For the purpose of subsection (1) (e) a child is considered to be emotionally harmed if the child demonstrates any of severe:
 - a) anxiety
 - b) depression
 - c) withdrawal
 - d) self-destructive or aggressive behaviour

3. DUTY TO REPORT NEED FOR PROTECTION (SECTION 14)

- (1) A person who has reason to believe that a child needs protection under Section 13 must promptly report the matter to the MCFD Central Screening Centre at 1-800-663-9122.
- (2) Subsection (1) applies *even if the information* on which the belief is based
 - (a) is privileged, except as a result of solicitor-client relationship, or
 - (b) is confidential and its disclosure is prohibited under another Act.
- (3) A person who contravenes subsection (1) commits an offence.
- (4) A person who knowingly reports false information that a child needs protection commits an offence.
- (5) No action may be brought against a person for reporting information under this section unless the person knowingly reported false information.
- (6) A person who commits an offence under this section is liable to a fine of up to \$10,000 or to imprisonment for up to 6 months, or to both.

4. REPORTING PROCEDURES

Responsibility of the Department of Learning Services

Learning Services has a distinct role to play in this procedural guide including the following ongoing duties:

- Provision of annual training for staff in the “Abuse and Neglect” reporting procedures.
- Assistance to schools in complying with these procedures.
- Collection and storage of copies of all written records regarding all reports.
- Annual review of the Abuse and Neglect Reporting Procedures with MCFD and/or the RCMP.
- Provide annual report to the Superintendent

A. When Children witness domestic violence or are alleged to have been Abused or Neglected by Adults in the Home
(this includes children who are exposed to criminal behaviour)

Responsibility of School Personnel Making the Report

- By law under Section 14, school personnel will report protection concerns directly to the MCFD Central Screening Centre at 1-800-663-9122.
- At the earliest opportunity, inform the principal that a disclosure has been made.
- DO NOT communicate concern to parents.
- If queried by parent(s), school personnel to refer parents to MCFD directly.
- Complete *and* keep a written document of the information reported. As well provide a copy of the completed report to your principal (see form on page 13, 14).
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.
- Under direction of the principal, provide assistance to MCFD / RCMP personnel.
 - RCMP must provide identification if they are to be present/involved with the student at school.
 - MCFD must provide identification if they are to be present/involved with the student at school.
- May call MCFD to request an update on a report made at 250-741-5444 and follow the prompts or use the social worker's direct line.

*Witnessing domestic violence may cause emotional harm to a child.
In these circumstances, support for children can be obtained from Haven House Society at 250-754-0764*

Responsibility of the School Principal or Designate

- Provide assistance to school personnel in complying with this procedural guide.
- DO NOT communicate concern to parents.
- If queried by parent(s), principal refers the parent(s) to MCFD directly.
- Obtain a written record of the completed report from the school personnel who receives the disclosure (see form on page 13, 14).
- Send a copy of this report to the Department of Learning Services in an envelope marked CONFIDENTIAL to the attention of your assistant superintendent.
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.
- Request appropriate identification of MCFD / RCMP seeking to interview a child, and provide assistance to MCFD/ RCMP personnel during the investigation. **The decision regarding the attendance of a school staff member to remain with a student during an interview is at the discretion of MCFD and/or the RCMP.**
- Share pertinent updates by MCFD / RCMP with appropriate school personnel
- May call MCFD to request an update on a report made at 250-741-5444 and follow the prompts or use the social worker's direct line.

Responsibility of MCFD and / or RCMP Personnel

- If interviewing a child on school site, first notify principal and provide ID.
- MCFD / RCMP personnel are the only ones to make contact with the parents/guardians.
- Share information necessary to ensure safety with principal.
- MCFD will inform school staff (upon request) if the report is "closed on intake" or "sent to investigations".

B. When Children are alleged to have been abused or Neglected by School Personnel

Responsibility of School Personnel Making Report

- School personnel receiving the report must immediately contact the Superintendent or Designate at 250-741-5231 or 250-741-5335 stating “*I am (identify self and role) and I need to speak to the Superintendent about a confidential matter*”. (If the superintendent is not available, a district designate will be made available).
- The person reporting must **NOT** share any information regarding the disclosure with any other school personnel, **including the principal**, unless directed to do so by the Superintendent.
- The person reporting must **NOT** communicate the concern to parents.
- The person reporting must keep written record of the disclosure and store documentation **confidentially** in a secured location that can not be accessed by other school personnel (see form on page 13, 14) and as well, will **make a copy available** to the Superintendent.

Responsibility of Superintendent or Designate

- Immediately upon receipt of the report, the Superintendent or designate will be in immediate contact with the RCMP at 250-754-2345.

Note: In the event the Superintendent's designate is the contact person, that designate must immediately inform the Superintendent AND maintain expedient and confidential contact throughout the process.

- The school principal will be notified directly by the Superintendent or designate **unless this may impede the investigative process**.
- The decision to involve other school personnel or union representatives rests solely with the Superintendent in consultation with the RCMP.
- Superintendent will obtain a copy of the written report from the school based report maker
- The Superintendent or designate will report *all allegations* of physical abuse, sexual abuse, physical assault, sexual assault or sexual interference to the **School Protection Program**.
- Query will be made with appropriate school based personnel to ascertain if there may be protection concerns for any other children in the home of the alleged offender (above and beyond the child who made the disclosure). If children are identified, the Superintendent or designate will immediately notify the RCMP and MCFD at 250-741-5444 and follow the prompts or use the social worker's direct line.

Responsibility of RCMP MCFD and SD68 Board of Education

- The RCMP assumes major responsibilities for conducting an investigation under the provision of the Criminal Code of Canada.
- The RCMP will consult with the Superintendent or designate regarding an investigation as appropriate. Further, the RCMP will reciprocally share with the Superintendent or designate any information necessary to protect other children from abuse.
- In the event that there is reason to believe other children may be in harm's way, the RCMP will inform MCFD.
- In the event that the School District takes disciplinary action, such actions must be taken in accordance with applicable collective agreements.

C. When Children are alleged to have been Abused by Other Children

PLEASE NOTE:

Some experiences between children **MAY NOT** involve abuse or neglect.
In these cases, involvement of MCFD *may not be* necessary.

Examples include situations which occur at school OR during an off-site school event OR which do not occur at school, but are nevertheless disclosed to an adult in the school setting as follows...

Minor altercation or aggression between children where ***there is NO major age difference or significant power imbalance***

Sexualized behaviour between children where ***there is NO major age difference or significant power imbalance***

In these situations, these steps must be followed:

- school personnel observing the conduct of the children or receiving the disclosure of the event must immediately **inform the principal**
- the principal or designate will follow appropriate school procedures including, and perhaps even limited to, **notification of parents**

PLEASE NOTE:

Some experiences between children **MAY** involve abuse or neglect.
In these cases, involvement of MCFD *may be* necessary.

Examples include situations which occur at school OR during an off-site school event OR which do not occur at school, but are nevertheless disclosed to an adult in the school setting as follows...

Minor altercation or aggression between children where ***there is a major age difference or significant power imbalance***

Sexualized behaviour between children where ***there is a major age difference or significant power imbalance***

In these situations, these steps must be followed:

- School personnel observing the conduct of the children or receiving the disclosure of the event must immediately **inform the principal**
- Principal or designate will follow appropriate school procedures including, and perhaps even limited to, **notification of parents**
- Parent(s) of the allegedly abused child **must first be given the chance to remedy** the unsafe situation. Provide parents with support information such as RCMP, MCFD, Haven House etc as suitable (see page 13 for Helpful Contact numbers and options)
- If after informing the parent, the parent is unable or seems unwilling to take steps necessary to protect their child, by law under Section 14, then school personnel will have an immediate Duty to Report to MCFD Central Screening Centre at 1-800-663-9122.

C. When Children are alleged to have been Abused by Other Children (Cont'd)

Responsibility of *School Personnel* Making the Report

If the reported situation occurred in the home

- School personnel would first inform the principal
- Either the principal or school personnel (if directed to do so by the principal) would phone the parent.
- Parents must be provided with an opportunity to respond appropriately.
- Only if the parent is unable or unwilling** to protect the child will school personnel have the **Duty to Report** to MCFD Central Screening Centre at 1-800-663-9122.
- If a report to MCFD is necessary**, complete *and* keep a written document of the information reported. As well provide a copy of the completed report to your principal (see form on page 13, 14).
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.

If the reported situation occurred in a school setting

- If the situation puts anyone in imminent danger, school personnel should call 911
- School personnel would otherwise first inform the principal
- Either the principal or school personnel (if directed to do so by principal) would phone the parent. Parents must be provided with an opportunity to respond appropriately.
- Only if the parent is unable or unwilling** to protect the child, school personnel have the **Duty To Report** to MCFD Central Screening Centre at 1-800-663-9122.
- If a report to MCFD is necessary, complete *and* keep a written document of the information reported. As well provide a copy of the completed report to your principal (see form on page 13, 14).
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.

If the allegation is criminal

- If the situation puts anyone in imminent danger, school personnel should call 911
- If danger is not imminent, inform school principal who will then phone RCMP at 250-754-2345

D. When Children are alleged to have been Abused or Neglected by Adults other than Parents, Guardians or School Personnel

Responsibilities of *the School Personnel* Making the Report

- If the alleged adult abuser is not the parent or guardian, do not make a report to MCFD
- First, inform the principal or designate of the disclosure.
- Then inform the parent / guardian of the allegation** (contact will be made by the school principal **or** individual receiving the report as directed by the principal) ****If the student is over 12 years of age, the child's consent is necessary before contacting the parent.***
- Provide parents with support information such as RCMP, MCFD, Haven House etc as suitable (see page 12 for contact numbers and options)
- If parent or guardian is unable or unwilling to provide appropriate support, then contact MCFD
- If a report to MCFD is necessary, complete *and* keep a written document of the information reported. As well provide a copy of the completed report to your principal (see form on page 13, 14).
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.

Responsibilities of *the School Principal or Designate*

- Provide assistance to school personnel in complying with this procedural guide.
- Inform the parent / guardian of the allegation (contact will be made by the school principal OR individual receiving the report as directed by the principal)**
- Obtain a written record of the completed report from the school personnel who received the disclosure (see form on page 13, 14).
- Send a copy of this report to the Department of Learning Services in an envelope marked CONFIDENTIAL to the attention of your assistant superintendent.
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.
- Will request appropriate identification be shown by RCMP personnel seeking to interview a child
- Will provide assistance to social workers and/or RCMP during the investigation.

Child, Family and Community Service Act

[RSBC 1996] CHAPTER 46

Current to February 16, 2011

* Who can act for a child:

76 (1) A person, other than a director, who has legal care of a child under 12 years of age may, on behalf of the child, exercise the child's rights under the *Freedom of Information and Protection of Privacy Act*

- (a) to be given access to information about the child in a record,
- (b) to consent to the disclosure of that information, and
- (c) to request the correction of that information.

(2) A person, other than a director, who has legal care of a child 12 years of age or older may, on behalf of the child, exercise the child's rights under the *Freedom of Information and Protection of Privacy Act*

- (a) to be given access to information about the child in a record,
- (b) to consent to the disclosure of that information, and
- (c) to request correction of that information

if the child is incapable of exercising those rights.

E. Historical (Past) Sexual Abuse

Reports to *School Personnel*

- If the person reporting is still a child, and the alleged historical abuse was due to the action or inaction of a parent/guardian, then **MCFD** is responsible for responding. School personnel should contact the MCFD Central Screening Centre at 1-800-663-9122, inform the principal and follow steps as per **Section A** of this procedural guide
- If the person reporting is still a child and the alleged historical abuse was due to the action or inaction of an individual who is still working within the school system, then the Superintendent is responsible for responding. School personnel receiving the report should contact the Superintendent and follow steps as per **Section B** of this procedural guide.
- If the person reporting is still a child and the alleged historical abuse was due to the action or inaction of an adult other than a parent or individual who is still working in the school district, then RCMP is responsible for responding. School personnel receiving this report should follow steps as per **Section D** of this procedural guide. Complete *and* keep a written document of the information reported. As well provide a copy of the completed report to your principal (see form on page 13, 14).
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.
- Under direction of the principal, provide assistance to MCFD / RCMP personnel.
- If the person reporting is an adult:
 - *The adult may choose to report to the RCMP*
 - *The adult may also be in a position to know if their abuser could still be abusing other children. If this is the case, the adult has a **legal duty to report** their belief to **MCFD Central Screening Centre at 1-800-663-9122**.*

Responsibilities of the *Principal or Designate*

- Provision of assistance to school personnel in complying with this procedural guide.
- Determining appropriate identification from, and providing assistance to, MCFD and RCMP personnel seeking to interview a child on school premise.
- Obtain a written record of the completed report from the school personnel who received the disclosure (see form on page 13, 14).
- Send a copy of this report to the Department of Learning Services in an envelope marked CONFIDENTIAL to the attention of your assistant superintendent.
- All written records must be treated **confidentially** and must NOT be placed in any of the child's records or confidential files located at the school.

Helpful Contact Numbers

MCFD (Ministry of Child and Family Development) Central Screening Centre	1-800-663-9122
CYMH Intake (Child and Youth Mental Health)	250-741-5701
School District 68 (Superintendent - Scott Saywell)	250-754-5231
(Deputy Superintendent - Laura Tait)	250-741-5335
(Assistant Superintendent – Don Balcombe)	250- 741-5772
(Assistant Superintendent – Jacquie Poulin)	250- 741-5351
RCMP School Liaison	250-714-5407
RCMP (Non-Emergency)	250-754-2345
RCMP (Victim Services)	250-755-3146
COR (Community Outreach) pager	250-739-5757
PES Adolescent Crisis Nurses	250- 618-2526
Walk-in Crisis Counselling Clinic (Brooks Landing)	250-739-5710
24 Hr Crisis Line	1-888-494-3888
Children with Special Needs (CYSN).....	250-741-5734
Probation	250-741-3600
Youth Team (+13 yrs)	250-741-5444
A/CYMH Child and Youth Mental Health	250-741-5701
Aboriginal Services	250-741-5444
Discovery Program (<i>Youth and Family Substance Use Services</i>)	250-739-5790
Haven House (<i>PEACE program for children who witness</i>)	250-756-2452

<p>Witnessing domestic violence may cause harm to a child's health, safety or well-being.</p> <p>In such a case, support for children can be obtained from Haven House Society at 250-756-2452</p>	<p>Witnessing criminal behaviour may cause harm to a child's health, safety or well-being.</p> <p>In such a case, support for children can be obtained from MCFD at 250-741-5444</p>
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