



## DISTRICT PRACTICE 5150

### CHILD ABUSE REPORTING PROTOCOL

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#### DISTRICT PRACTICE:

##### Definitions

**Indigenous** includes the First Nations, Inuit and Métis peoples

**Caregiver:** a person who is legally responsible for a child's day-to-day care, for example, a foster parent

**Child** means a person under 19 years of age.

**Child Abuse** refers to all forms of abuse and neglect. Child abuse is any omission or commission, physical, emotional, sexual, by individuals, institutions or society which prevents the needs of children from being met and interferes with their optimal development, thereby preventing them from becoming productive humans with respect for themselves and others (Gelles and Strauss, 1988).

**Child welfare worker:** a person delegated under the *CFCSA* to provide child welfare services, including responses to suspected child abuse and neglect

**Children who witness violence** are being abused emotionally and are at risk for being physically abused. The witnessing of violence may entail:

- observing threats or assaults;
- overhearing threats or assaults;
- observing bruises or other injuries on a parent, care giver or sibling;  
being aware of tension, fear, intimidation and anger in the family

**Delegated Indigenous Child and Family Services Agency:** an organization that provides culturally appropriate services to Indigenous 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 neglect

**Director:** a person designated by the Minister of Children and Family Development under the *Child, Family and Community Service Act*. The director may delegate any or all of his/her powers, duties and responsibilities under the *Act*

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**Emotional Abuse** (is behaviour) can include acts or omissions by those responsible for the care of a child or others in contact with a child, which are likely to produce serious emotional harm. These can include a pattern of scapegoating, rejection, verbal attacks on the child, threats, insults, or humiliation.

**Emotional Harm** (can be the result of emotional abuse) is evidenced by a child's behaviour and must be caused by the parent's conduct. For the purposes of defining emotional harm, a child must demonstrate **severe** anxiety, depression, withdrawal, or self-destructive/aggressive behaviour.

**Neglect** under the Child, Family and Community Services Act refers to situations in which a child has been or is likely to be physically harmed through action or inaction by those responsible for the care of the child. This may include a failure to provide food, shelter, basic care, supervision, and protection from risks to the extent that the child's physical health, development or safety is harmed. Not always intentional, neglect may be a result of insufficient resources or other circumstances beyond a person's control.

**Parent:** 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

**Physical Abuse** means any non-accidental physical force or action that results in or could result in injury, impairment, intense or prolonged pain to a child or the child's death. It may include, but is not limited to, such actions as: assaulting, burning, shaking, poisoning.

**Service provider:** any of a wide range of employees, contractors and volunteers who provide services for children and families, including: child care providers, child and family mental health counselors, child welfare workers, coroners, facilitators and analysts employed by Community Living British Columbia, paramedics, physicians and other health care practitioners, police, teachers and other school board employees and personnel, transition house staff, victim service workers, youth justice workers, and youth service workers.

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**Sexual Abuse** refers to a range of sexual activity and behaviour perpetrated by a person in a position of trust, authority, or power towards a child, with or without the child's consent. It includes one or more of the following:

- touching or invitation to touch for sexual purposes and intercourse
- menacing or threatening sexual acts, obscene gestures, obscene communications or stalking
- sexual references to a child's body or behaviour by words or gestures
- requests to expose the child's body for sexual purposes
- deliberate exposure of the child to pornographic sexual activity or material.

**Sexual Exploitation** includes permitting, encouraging, or requiring a child to engage in:

- conduct of a sexual nature for the stimulation, gratification, or self-interest of another person
- prostitution
- production of material of a pornographic nature.

#### **Statement of Purpose**

##### **1. Guiding Principles**

The responsibilities and procedures outlined in this document are guided by the principles which, – in a collaborative setting – inform all parties serving children and families, and include:

- a) the safety and well-being of children as the paramount considerations; and
- b) the entitlement of children to be protected from abuse, neglect, harm, or threat of harm.

##### **2. Duty to Report**

The *Child, Family and Community Services Act* (2023), Section 14(1), requires that a person who has reason to believe that a child (under 19) needs protection under Section 13 (1) of the Act must promptly report the matter to a person designated by a director (in practice, a Child Protection Social Worker, or the police if a child is in immediate danger). As 'service providers', it is incumbent upon district staff to be aware of and alert to signs of child abuse or neglect and to be knowledgeable about how to respond when concerns about child abuse or neglect arise.

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Section 13 (1) of the *Child, Family and Community Services Act* states that a child needs protection in the following circumstances:

- a) if the child has been, or is likely to be, physically harmed by the child's parent;
- b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- c) if the child 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) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- e) if the child is emotionally harmed by the parent's conduct;
- f) if the child is deprived of necessary health care;
- g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
- h) if the child's parent is unable or unwilling to care for the child and has not made adequate provisions for the child's care;
- i) if the child is or has been absent from home in circumstances that endanger the child's safety or well being;
- j) if the child's parent is dead and adequate provisions has not been made for the child's care;
- k) if the child has been abandoned and adequate provisions have not been made for the child's care;
- l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

**Note:** For the purpose of subsection (1) (b) and (c) and section 14 (1) (a) but without limiting the meaning of "sexually abused" 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:

- encouraged or helped to engage in prostitution, or
- coerced or inveigled into engaging in prostitution.

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For the purpose of subsection (1) (e), a child is emotionally harmed if the child demonstrates severe

- anxiety,
- depression,
- withdrawal, or
- self destructive or aggressive behaviour.

**Therefore, whenever a school district employee, contractor, or volunteer has reason to believe that one or more of these circumstances exist, it must be reported. Reports are made directly to the Ministry for Children and Family Development (1-800-663-9122). Reports for Indigenous students (First Nations, Metis and Inuit, both on reserve and off-reserve) living in Invermere and Kimberley contact Ktunaxa Kinbasket and Child Family Service (1-888-489-4565).**

#### Information for the Reporter

Sections 33 of the *Freedom of Information and Protection of Privacy Act* section 33 and section 111 of the *Youth Criminal Justice Act* require that the privacy of the child is secured and maintained at all times but specify that child welfare workers are legally entitled to access any information held by a public body, where that information, in the opinion of the child welfare workers, is needed to carry out their duties. (It is appropriate and best practice, however, to notify the School Administrator that you have made a report to Ministry for Children and Family Development so that they are prepared for parent queries or social worker calls to request an interview).

1. The reporter's identity (who reports suspected child abuse to a Child Protection Social Worker) will be kept confidential and will not be disclosed without his/her consent, unless authorized by law.
2. Consultation with a Child Protection Worker or School Counsellors prior to a report is permissible.
3. Failure to report carries a penalty of a maximum of \$10,000 or six months in jail or both.
4. Complete record keeping form and secure in identified place at your work site (see DP2850 Form). Once you have done this, you have discharged your duty.
5. Do not contact the parent or guardian. It is the job of the Child Protection Social Worker to notify the parent/guardian and the R.C.M.P.
6. Ministry for Children and Family Development will contact the School Administrator to arrange an interview with the child. Section 96 of the Child, Family and Community Services Act gives delegated Child Protection Social Workers the right to any information that is in the custody or control of a public body, including a School District.

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7. An educator may be requested to be present at an interview to provide support to the child; however, the presence of an educator is not mandatory. It is preferable that a school person is not present; however, if you are, say nothing and write nothing.
8. Child protection interviews differ from those in which police officers interview a child while investigating an alleged offense by the child. In those cases, the Principal or Teacher is acting “in loco parentis” to ensure the protection of the child’s rights.
9. Ministry for Children and Family Development will endeavour to get back to the reporter within the month and provide as much information as they determine is in the best interest of the child. If more information is needed, contact may be made with the social worker or their supervisor.

#### **Ministry for Children and Family Development:**

**Golden: 344-7773**

**Invermere: 342-4367**

**Kimberley: 1-800-661-6131**

**After Hours: 310-1234**

**Ktunaxa Kinbasket Child and Family Services 1-888-489-4565**

See Ministry handout for **what** to report to a Child Protection Worker: [Responding to Child Welfare Concerns – Your Role in Knowing When and What to Report](#) to better understand **what** to report to a Child Welfare Worker.

#### **The Roles of the Four Key Agencies when the incident involves a School District No. 6 employee)**

##### **1. Ministry for Children and Family Development (MCFD) and Ktunaxa Kinbasket Child and Family Services Agency (KKCFS)**

The Minister for Children and Family Development, through his/her delegates, will investigate to establish the facts and to determine whether any child is in need of protection and to provide support, counselling or referral services to the parents and child as needed and requested.

##### **2. Royal Canadian Mounted Police**

If it appears that a criminal offense has occurred, the police will conduct a criminal investigation.

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#### 3. School District

The Superintendent of Schools, or delegate, will, in keeping with legal and contractual obligations, assist MCFD or KKCFS and the RCMP in their investigation when the incident involves an employee of School District No. 6 (see C.1.) and, when appropriate, recommend action to the Board.

#### 4. Joint Procedures

The Ministry for Children and Family Development or Ktunaxa Kinbasket Child and Family Services Agency, or a delegate will contact the Superintendent, or delegate, and the R.C.M.P. (when appropriate) in order to develop a plan which will include:

- a) declaration of potential conflict of interest and selection of a delegate;
- b) the extent of immediate School Board action;
- c) the method of investigation, including mutually acceptable time lines;
- d) the method of sharing information;
- e) the involvement of the School District in the investigation;
- f) attempts to ensure that the alleged abuser and the abused (or the parent/guardian of the abused) do not meet during the investigation.

#### **Role of the Superintendent**

1. The Superintendent of Schools, or delegate, will investigate any abuse allegations (School Act, Part III, Division 1, General, Employee - 15) independent of MCFD, KKCFS, or the RCMP and take interim actions necessary to ensure the safety of children and in keeping with employee contractual obligations (RMTA Article C.21).
2. The Superintendent, or delegate, through the course of his/her investigations should:
  - a) use legal advice early where inexperience in such matters exists
  - b) be exceedingly thorough during interviews
  - c) notify/contact the School Protection Branch of the Ministry of Education
  - d) be knowledgeable of contractual obligations pertaining to the employee (collective agreements generally require that the Superintendent, or delegate, immediately notify a staff member being investigated unless such notification would prejudice the investigation.)

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3. The Superintendent, or delegate, will, based on the investigation and legal advice, recommend appropriate measures to the Board. Conclusion and results of this independent investigation will not be finalized until after MCFD or KKCFCS and/or RCMP have concluded their investigation.

#### **Protocol with Delegated Indigenous Child and Family Services Agencies**

*The Child, Family, and Community Service Act* states that Indigenous people should be involved in planning and delivery of services to Indigenous children and their families, and that the community should be involved, wherever possible and appropriate, in the planning and delivery of services to families and children. There is a *Ktunaxa Kinbasket Child and Family Services Agency level 15 and School District #6 Rocky Mountain Protocol* in place that defines our working relationship including response to child protection concerns.

Ktunaxa Kinbasket Child and Family Services Society social workers have the authority to provide services including child protection services. If a student is known to be Indigenous (First Nations, Metis or Inuit) the referral should be made to Ktunaxa Kinbasket Child and Family Services Society. Making the referral to the appropriate agency prevents undue hardship for victims transferred between agencies and made to repeat their experience. If the referral is made to the agency that does not have the jurisdiction for addressing the child protection concern, the agency will manage the re-referral. It is not the responsibility of the School District to re-report to the agency with the responsibility for addressing the concern. The school district's responsibility is to ensure the report is made to a delegated child welfare worker.

#### **Ktunaxa Kinbasket Child and Family Services:**

**Invermere: 342-6379**

**Kimberley: 1-888-489-4563**

**After Hours: 310-1234**

**\*KKCFCS does not deliver service in the Golden area**

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#### Procedures for Receiving a Disclosure

1. When a child discloses abuse and the alleged abuser **is a parent/guardian** of a child, it is required that the informed person do the following (see note 1 and 4 below).
  - a) Take the child to a quiet place and ask what happened. Be calm and matter of fact
  - b) Listen to what the child is telling you without asking questions, rushing or putting words into the child's mouth
  - c) Spend just enough time to determine that you have reason to believe and tactfully end the conversation by saying something like, "You've been hurt. I am glad you told me", or "I know others who can be trusted to help solve this problem"
  - d) Let the child know that someone else, a Social Worker, will come and talk to him/her.
  - e) Call MCFD or KKCFS.
  
2. When a child discloses abuse and the alleged abuser **is NOT a parent/guardian** of a child, **nor an employee of S.D.6**, it is recommended that the informed person do the following (see note 1 and 4 below).
  - a) Take the child to a quiet place and ask what happened. Be calm and matter of fact
  - b) Listen to what the child is telling you without asking questions, rushing or putting words into the child's mouth
  - c) Spend just enough time to determine that you have reason to believe and tactfully end the conversation by saying something like, "You've been hurt. I am glad you told me", or "I need to let your parent/guardian know so they can take steps to stop this from happening again" or "I need to let a social worker know what has happened so that they can take steps to make sure this doesn't happen again."
  - d) The duty to report in Section 14 sets out when a person is required to report. A person can voluntarily report any time.
  - e) Consult with MCFD or KKCFS, a school counsellor and/or an administrator.

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3. When a child discloses abuse and the alleged abuser **is an employee** of School District No. 6, it is suggested that the informed person (see note 1 below) do the following.
  - a) Take the child to a quiet place and ask what happened. Be calm and matter of fact
  - b) Listen to what the child is telling you without asking questions, rushing or putting words into the child's mouth
  - c) Spend just enough time to determine that you have reason to believe and tactfully end the conversation by saying something like, "You've been hurt. I am glad you told me", or "I know others who can be trusted to help solve this problem"
  - d) Let the child know that someone else, a Social Worker, will come and talk to him/her
  - e) Respect confidentiality of both the child and the alleged perpetrator. The only one you notify in this case is the Ministry for Children and Family Development (see note 2 and 3 below)
  - f) Be aware that it is the responsibility of the Ministry for Children and Family Development to contact and consult with the Superintendent of Schools (or delegate) and the RCMP, if appropriate, in order to agree on a joint strategy to interview the child/children

Note 1:

There are cases when an abuse report will be initiated by something other than a child's disclosure. In those instances, report directly to MCFD or KKCFS without interviewing the child.

Note 2:

High impact cases should be reported to a senior representative at the Ministry for Children and Family Development (in practice that is a Child Protection Supervisor or Manager for Child Protection).

Note 3:

BCTF Code of Ethics 31.B.12 -- It shall not be considered a breach of Clause 5 of the Code of Ethics to report reasonable grounds for suspecting child abuse by proper authorities according to legal provisions and official protocol requirements.

Note 4:

Consultation with the MCFD or KKCFS is always appropriate if you need clarification or are uncertain as to how to proceed.

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### **Training and Review**

All district employees, contractors and volunteers need to be aware of and understand how to carry out their legal duty to respond when concerns about child abuse arise.

#### **1. Annual training and review**

It is the responsibility of site supervisors to ensure that all persons under their supervision are provided with annual training including:

- a. warning signs of abuse and neglect,
- b. prevention measures,
- c. when action is required
- d. responding to a child's disclosure of abuse/neglect,
- e. reporting protocols and procedures, and
- f. follow-up protocols and procedures.

This training may occur at a staff meeting or in one to one or other sessions conducted by administrators or school or district counselors.

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