

Supporting Our Students: A Guide for Independent School Personnel Responding to Child Abuse

Introduction

Child abuse is a serious problem. Its impacts can last a lifetime and even extend to future generations. Understanding child abuse and neglect and knowing how to respond are critical.

School personnel are responsible both for reporting suspected child abuse and neglect and also for cooperating with resulting investigations. Identifying and supporting students who have experienced child abuse and neglect is important in meeting these responsibilities.

Independent school authorities must have policies and procedures in place to respond promptly and effectively to incidents of child abuse and neglect.

This document and The BC Handbook for Action on Child Abuse and Neglect (2005) - http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf provides guidelines for independent schools when establishing school policy and responding to child abuse and neglect. They also underscore the importance of a collaborative approach among independent school authorities, the Ministry of Children and Family Development (MCFD), and the police for an effective response to incidents of suspected child abuse and neglect.

What is Child Abuse and Neglect?

The following definitions are adapted from The BC Handbook for Action on Child Abuse and Neglect (pages 23-25):

Physical Abuse: a deliberate, non-accidental physical assault or injury by an adult or significantly older or more powerful child that results in, or is likely to result in, physical harm to a child.

Sexual Abuse: the use of a child for sexual gratification by a person in a position of trust and/or authority, or by a significantly older or more powerful child. It includes sexual touching, menacing or threatening sexual acts, obscene gestures, or deliberate exposure of the child to sexual activity or material.

Emotional Abuse: a pattern of destructive behaviour or verbal attacks by an adult on a child. Typical behaviours may include rejecting, terrorizing, ignoring, isolating, humiliating, insulting, scapegoating, exploiting or corrupting a child.

Neglect: failure to provide for a child's basic needs: food, clothing, adequate shelter, supervision and medical care. Neglect is the form of abuse most frequently reported to the Ministry of Children and Family Development.

Sexual Exploitation: permitting, encouraging or requiring a child to engage in conduct of a sexual nature for: stimulation, gratification or self-interest of another person; prostitution; or production of material of a pornographic nature.

Legal Duty to Report

Section 14 of the Child, Family and Community Service Act (CFCSA) - http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96046_01 requires individuals to report promptly to a child welfare worker if they have reason to believe¹ a child has been or is likely to be:

- physically harmed, sexually abused or exploited, or neglected by a parent, or
- otherwise in need of protection as set out in Section 13 of the CFCSA.

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¹ "Reason to believe" simply means that, based on what you have seen or information you have received, you believe a child has been or is likely to be at risk.

MCFD provided additional information to clarify for independent schools changes to Section 14 - http://www.bced.gov.bc.ca/independentschools/is_resources/sect14_changes.pdf. Any person with reason to believe that a child needs protection has a duty to report directly to a child welfare worker. Informing another person (e.g., a colleague or the principal) does not discharge your legal duty to report directly to a child welfare worker. You do not need to be certain that abuse and/or neglect has, is, or will occur; a child welfare worker will determine this and can discuss options and courses of action with you.

Please note:

- The legal duty to report overrides any duty of confidentiality, except a solicitor-client relationship or where provisions of the Youth Criminal Justice Act apply.
- A “child welfare worker” is a person delegated under the CFCSA to provide child welfare services, including responses to suspected child abuse and neglect
- In British Columbia, under the CFCSA, a child is anyone under the age of 19.

Resources

In developing policies and procedures to respond to incidents of child abuse and neglect, independent schools should refer to the information about roles, responsibilities, process/procedures, and activities provided in the MCFD’s The BC Handbook for Action on Child Abuse and Neglect. The BC Handbook is the guiding reference for responding to confirmed/potential child abuse and neglect. Therefore, to ensure consistency between the public and independent school systems, and to provide certainty for school officials, child welfare workers, and police, independent school authorities and school administrators should refer to the BC Handbook when addressing potential instances child abuse and neglect.

‘Appointed School Official’

While reviewing and referring to the BC Handbook, independent school authorities and administrators should know the BC Handbook was written primarily for the public school system. It refers to superintendents, school districts, and school boards. The critical difference between the public and independent systems is the requirement that independent school authorities nominate an ‘Appointed School Official’ who is responsible for working with child care workers to determine whether a child has been harmed by someone who works or volunteers at the school, or works on contract for the school. School authorities may delegate duties to one or more Appointed School Official (e.g., a principal, superintendent, the chair of the school authority committee, or any member of that committee).

In fulfilling the role as a school’s Appointed School Official, a person may be required to:

- investigate where appropriate on behalf of the school authority;
- ensure a safe school environment during investigations;
- consult with the child welfare worker and/or police;
- ensure that no school employee interferes with any investigations;
- communicate with parents with respect to actions taken by the school authority;
- report to the British Columbia College of Teachers and/or the Inspector of Independent Schools when the School Authority dismisses, suspends or otherwise disciplines a certified teacher (Independent School Act section 7); Inspector’s Order I 1/92, Discipline Reporting Order); and,
- refer student(s) for counseling according to the school’s policies.

Additional Resources

- **Helpline for Children:** Phone No. 310-1234 from anywhere in BC (no area code needed)
- Ministry of Children and Family Development Child Protection Publications: http://www.mcf.gov.bc.ca/child_protection/publications.htm
- Safe, Caring & Orderly Schools resources: <http://www.bced.gov.bc.ca/sco/resources.htm>