

MAY 12, 2014 (Update November 2018)

CHILD ABUSE and NEGLECT POLICY FOR EMPLOYEES OF PENELAKUT ISLAND LEARNING CENTRE



Adapted from, FISA. *Child Abuse and Neglect Policy*. Updated November 2018 as per, *The B.C Handbook for Action on Child Abuse and Neglect*. June 2017

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MAY 12, 2014 (Updated November 2018)

Penelakut Island Learning Centre Child Abuse and Neglect Policy for Employees

1. Preamble

Ensuring that a School Authority has policies and procedures in place to respond promptly and effectively to incidents of child abuse and neglect is a responsible approach to protecting students as well as the interests of the School Authority. This document provides guidelines for independent schools when establishing policy and responding to child abuse and neglect.

This document underscores the importance of a collaborative approach between independent school authorities and personnel, the Ministry of Children and Family Development, and the police to respond effectively to incidents of suspected child abuse and neglect and to ensure that children are protected.

Penelakut Island Learning Centre is committed to the prevention of child abuse and the enhancement of the well-being and safety of the students entrusted to its care. This commitment is made first and foremost as an ethical and legal responsibility, but is also recognized as a response to government and societal expectations for the well-being and safety of students.

2. Purpose

The purpose of this policy is to provide specific guidance to the employees of Penelakut Island Learning Centre 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.

Penelakut Island Learning Centre may add, modify, or remove portions of this Child Abuse and Neglect Policy for Employees when it is considered appropriate to do so, and any such changes will be effective upon giving notice of the revised policy.

3. 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.

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

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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 Education Coordinator of Penelakut Tribes.

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, conduct an investigation. (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.

5. 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”, p 32, “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

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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.

a. 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 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 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).

b. 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.

c. 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.

d. In addition to the authority provided in the Independent School Act (ISA) Penelakut Island Learning Centre has the following policy dealing with professional misconduct of employees: (Section IV -7 of the Penelakut Tribes Personnel Policy & Procedures)

e. 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

f. 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

g. 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).

6. 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).

7. 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.)

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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. Kw'umut Lelum Child and Family Services is a fully Delegated Aboriginal Agency (DAA) under the Child, Family and Community Services Act.

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 DACFD 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 DACFD 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.

8. 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 under Appendix B.)

Penelakut Tribes 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.

Penelakut Tribes 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.

QUICK REFERENCE POSSIBLE INDICATORS OF CHILD ABUSE AND/OR NEGLECT

- Unexplained bruises, different coloured bruises, welts, cuts, burns, bite marks-especially on the face, lower back, thighs or upper arms
- Unexplained fractures, repeated injuries over time
- Constant complaints such as sore throats or stomach aches that have no medical explanation
- Lack of proper hygiene, constant hunger, clothing inappropriate for weather conditions
- Irritation, bruising, bleeding, pain or itching near genitals or anus
- Bruises on breasts, buttocks, or thighs
- Sudden onset of nightmares, bedwetting, and/or fear of the dark
- Cuts or sores on arms or legs
- Self harming behaviours
- Fear of going home, attempts to run away
- Sudden change in attitude towards someone previously liked and trusted

Adapted from, FISA. *Child Abuse and Neglect Policy*. Updated November 2018 as per, *The B.C Handbook for Action on Child Abuse and Neglect*. June 2017

- Expressing bizarre, sophisticated or unusual sexual knowledge not typical for age, language or play
- Becoming anxious and fearful after being outgoing and friendly
- Expressing sadness, crying frequently, becoming depressed
- Lacking friends or not participating in activities
- Irregular or non-attendance at school

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.

1. To report a case of suspected abuse and neglect to the Ministry of Children and Family Development, please call the following number(s):

Aboriginal Child and Family Service Agency:

Kw'umut Lelum Child and Family Services is a fully Delegated Aboriginal Agency (DAA) under the Child, Family and Community Services Act.

Penelakut Island -Intake Team
 Nicole Charlie – Team Leader
 1-250-591-0933
ncharlie@kwumut.org

2. After hours calls to MCFD or Delegated Aboriginal Child and Family Service Agencies, please call:

- In Vancouver, North Shore, Richmond – 604 660 4927
- In the Lower Mainland, Burnaby, Delta, Maple Ridge, Langley – 604 660 8180
- In any community of BC – 1 800 663 9122

To report a case of suspected abuse and neglect involving an Aboriginal student, please call 1 800 663 7867 and ask for the Delegated Aboriginal Child and Family Services Agency nearest you.

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3. 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:

Emergency: 9-1-1 Abuse

Appendix B

Frequently Asked Questions

1. WHAT IS CHILD ABUSE AND WHAT ARE THE POSSIBLE INDICATORS OF CHILD ABUSE AND/OR NEGLECT?

Child abuse and/or neglect occurs with alarming frequency. As public awareness of the subject has grown, so has the number of reported and confirmed cases. The following definitions and possible indicators of abuse are adapted from The BC Handbook for Action on Child Abuse and Neglect - For Service Providers.

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 cases, death.

POSSIBLE INDICATORS OF PHYSICAL ABUSE

Physical Indicators

- any injury to an infant who is not yet mobile, especially head/facial injuries
- injuries to a toddler or older child for which there is no explanation, the explanation does not fit with the injuries, or the story keeps changing
- injuries at different stages of healing
- injuries that have a pattern or look like they may have been caused by an object (hand, stick, buckle, stove element)
- bruising in unusual places such as ears, trunk, neck or buttocks

Behavioural Indicators

- afraid or reluctant to go home, or runs away
- shows unusual aggression, rages or tantrums
- flinches when touched
- has changes in school performance and attendance
- withdraws from family, friends and activities previously enjoyed
- poor self-esteem (e.g. describes self as bad, feels punishment is deserved, is very withdrawn)
- suicidal thoughts or self-destructive behaviour (e.g. self-mutilation, suicide attempt, extreme risk-taking behaviour)

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SEXUAL ABUSE

Sexual abuse occurs 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 (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
- sexual aspects of organized or ritual 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
- 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.

POSSIBLE INDICATORS OF SEXUAL ABUSE AND EXPLOITATION

Physical Indicators

- unexplained or persistent pain, bleeding or unusual discharge in the genital or anal area
- pregnancy
- sexually transmitted diseases

Behavioural Indicators

- engages in age-inappropriate sexual play or exhibits age-inappropriate sexual knowledge (e.g. through drawing or play)
- forces or coerces another child to engage in sexual play
- inserts objects into vagina or rectum
- directs sexually intrusive behaviour to adults
- has unexplained gifts, new clothes or money
- has changes in school performance and attendance
- is secretive about "new" friends, activities, phone calls or internet use
- has unexplained developmental setbacks (e.g. was toilet trained but reverts back)
- is involved in sexually exploitive activities, such as performing sex acts for money
- is involved in behaviours such as misuse of drug or alcohol, stealing, fire-setting
- flinches when touched

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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
- 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
- self-destructive or aggressive behaviour

POSSIBLE INDICATORS OF EMOTIONAL ABUSE

Physical Indicators

- bed-wetting and/or frequent diarrhea
- frequent psychosomatic complaints, headaches, nausea, abdominal pains

Behavioural Indicators

- mental or emotional development lags
- isolated and has no friends or complains of social isolation
- behaviours inappropriate for age
- fear of failure, overly high standards, reluctant to play
- fears consequences of actions, often leading to lying
- extreme withdrawal or aggressiveness, mood swings
- overly compliant, too well-mannered
- excessive neatness and cleanliness
- extreme attention-seeking behaviours

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- poor peer relationships
- severe depression, suicidal ideation
- runaway attempts
- violence is a subject for art or writing
- forbidden contact with other children
- shows little anxiety toward strangers
- unusual severe anxiety or worries

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.

POSSIBLE INDICATORS OF NEGLECT

Physical Indicators

- injuries where medical care has been unusually delayed or avoided
- injuries resulting from a lack of supervision
- medical or dental needs that are consistently unattended to
- "failure to thrive" where no medical reason has been found
- clothing consistently inadequate for weather conditions
- persistent hunger
- poor or inadequate nutrition
- poor personal hygiene

Behavioural Indicators

- forages for, hoards or steals food
- developmental delay or setbacks related to a lack of stimulation
- poor school attendance
- inappropriately takes on a caregiver role for a parent or siblings
- tired or unable to concentrate at school
- appears sad or has flat affect
- reluctant to go home; speaks of being or appears to be left alone at home a lot, unsupervised
- is involved in behaviours such as misuse of drugs or alcohol, stealing, fire-setting
- does not respond to affection or stimulation

2. UNDER WHAT CONDITIONS IS THERE A DUTY TO REPORT?

Part 3, Section 13 of the Child, Family and Community Services Act 1996 (amended 2002) clarifies when protection is needed:

Adapted from, FISA. *Child Abuse and Neglect Policy*. Updated November 2018 as per, *The B.C Handbook for Action on Child Abuse and Neglect*. June 2017

Section 13 (1) 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 provision 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 provision has not been made for the child's care;
- (k) if the child has been abandoned and adequate provision has 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.

(1.1) 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,

- (a) encouraged or helped to engage in prostitution, or
- (b) coerced or inveigled into engaging in prostitution.

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

- (a) anxiety,
- (b) depression,
- (c) withdrawal, or
- (d) self-destructive or aggressive behaviour.

3. WHAT SHOULD BE REPORTED?

The person making the report does not need to have all of the following information before making a report, especially if the child is in immediate danger. Provide the information that you can and provide follow-up information as required.

When reporting suspected child abuse or neglect, the child welfare worker may ask about:

- The child's name, age, address, and phone number
- Any immediate concerns for the student's safety
- Why you believe the child needs protection
- Any statements or disclosures the student has made
- The alleged offender's name, address, and relationship to the child, if known.
- Any other children, such as siblings, who may be involved or at risk
- Any previous incidents or concerns for the child
- Any other relevant information such as the student's language, culture, disability or special needs

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The *Child, Family and Community Service Act* (CFCSA) requires that anyone who has reason to believe that a child has been or is likely to be abused or neglected, or that the parent is unwilling or unable to protect the child, MUST report the suspected abuse or neglect to a child welfare worker or directly to the police if a child is in immediate danger. As “service providers,” it is incumbent on all 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.

Appendix C

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