

Administrative Procedure 325

REPORTING SUSPECTED CASES OF CHILD ABUSE

Background

District employees have a common law duty to ensure that reasonable care is exercised, and appropriate action taken, to protect students from harm or risk of harm. Accordingly, employees who have reason to believe that a student has been, or is likely to be, physically, sexually, or emotionally harmed by a District employee or other person, must promptly report the matter to the Superintendent in accordance with this Administrative Procedure.

The [Child, Family and Community Service Act](#), 2002, also requires that a person who has reason to believe that a child needs protection under Section 13 of the Act must promptly report the matter to the Ministry for Children and Families. A child will be considered to be “in need of protection” under Section 13 of the Act in the following circumstances:

- If the child has been, or is likely to be, physically harmed by the child’s parent.
- If the child has been, or is likely to be, sexually abused or exploited by the child’s parent.
- 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.
- If the child has been, or is likely to be, physically harmed because of neglect by the child’s parent.
- If the child is emotionally harmed by the parent’s conduct.
- If the child is deprived of necessary health care.
- If the child’s development is likely to be seriously impaired by a treatable condition and the child’s parent refused to provide or consent to treatment.
- 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.
- If the child is or has been absent from home in circumstances that endanger the child’s safety or well-being.
- If the child’s parent is dead and adequate provision has not been made for the child’s care.
- If the child has been abandoned and adequate provision has not been made for the child’s care.
- 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or another person by agreement and the child’s parent is unwilling or unable to resume care when the agreement is no longer in force.

Definitions

The following definitions, which are in part based on definitions contained in the Child, Family and Community Services Act, 2002 (the “CFCS Act”), and the [B.C. Handbook for Action on Child Abuse and Neglect](#) apply to the procedures in this Administrative Procedure.

Child Abuse for the purpose of this Administrative Procedure, is meant to include sexual abuse, and exploitation, physical abuse, emotional abuse and neglect. For more detailed explanations refer to the B.C. Handbook, pg. 7-13.

Director means a person designated as such by the Minister for Children and Families including his or her designates (including social workers).

Emotional Abuse is often difficult to define and recognize. It may range from habitual humiliation of the child to withholding life-sustaining nurturing. It can include acts or omissions by those responsible for the care of a child or others 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.

Emotional abuse can include a pattern of:

- scapegoating
- rejection
- verbal attacks on the child
- threats
- insults; or
- humiliation.

Neglect is defined as the failure on the part of those responsible for the care of the child to provide for the physical, emotional or medical needs of a child to an extent that the child’s health, development or safety is endangered.

Parent means the mother or father of a child, a person to whom custody of a child has been granted by a court of competent jurisdiction, or a person with whom a child resides and who stands in the place of the child’s parent.

Physical Abuse is defined as any physical force or action which results in or is likely to result in a non-accidental injury to a child and which exceeds that which could be considered reasonable discipline.

Sexual Abuse and Exploitation Is defined as any sexual exploitation of a child. It may also include any behaviour of a sexual nature towards a child. A child is not considered legally able to consent to sexual touching or activity with an adult.

Procedures

1. Legal Duty To Report

- 1.1. District employees have a common law duty to report any reasonable suspicions that a child is being harmed, or is likely to be harmed, by another District employee, or any other person, to the Superintendent. Details for the reporting procedure to be followed are contained in sections 3 and 4 of this Administrative Procedure.

- 1.2. Additionally, Section 14(1) of the CFCS Act imposes a legal duty on any person who has reason to believe that a child is in need of protection as defined in Section 13 of the CFCS Act (see this Administrative Procedure for further details) to report the matter to a social worker.
- 1.3. Within the District, Section 14(1) reports are made to Ministry for Children and Families through the Centralized Intake and Screening line: 1-800-663-9122.
- 1.4. The duty to report applies to everyone in the District. It does not matter if you believe someone else is reporting the situation, you still are required to make a report. A person who breaches the duty to report that a child may be in need of protection commits an offence and is liable to a fine of up to \$10,000.00 or to imprisonment for up to 6 months, or to both. Section 14(5) of the CFCS Act protects any person making a report from liability unless the person knowingly reports false information.
- 1.5. Employees of the District are expected to be aware of:
 - 1.5.1. Their common law duties.
 - 1.5.2. Their duties under the CFCS Act.
 - 1.5.3. The appropriate District procedures to follow when reporting suspected cases of children who are being abused and/or may be in need of protection; and
 - 1.5.4. The various situations where a child may be subject to child abuse and in need of protection.

2. Confidentiality

- 2.1. All information regarding a report of child abuse made by an employee to the District or to the Ministry for Children and Families, is confidential and such information is only to be provided to persons authorized to receive such information as set out in this Administrative Procedure.
- 2.2. Completed Child Abuse Report Forms (either [Form A](#) or a copy of the online [CARSI Report](#)), must not be placed in the child's regular or cumulative school record, pursuant to the CFCS Act and this Administrative Procedure.
- 2.3. All information related to reporting must be retained in a manner that ensures confidentiality and security of such information.
 - 2.3.1. Teachers who report other teachers suspected of child abuse do not contravene the [B.C.T.F. Code of Ethics](#) in making a report of suspected child abuse.

3. Procedure To Be Followed When A Child Is Suspected Of Being Abused By A Person Who Is An Employee Of The District

3.1. Complete Child Abuse Report Form ([Form A](#)).

Where a District employee has reason to believe a child is being harmed or is likely to be harmed (e.g. sexually abused, sexually exploited, physically abused, or emotionally abused) by another employee of the District, the employee shall, promptly complete a Child Abuse Report Form ([Form A](#)) which states:

- 3.1.1. The name of the child, his or her birth date, grade, address, and telephone number.
- 3.1.2. The names and birth dates of any siblings of the child.
- 3.1.3. The names of the parent(s); and

- 3.1.4. The grounds for the employee's concern, including any statements made or information provided by the child or any other source.
 - 3.2. Inform the Proper Persons
 - 3.2.1. The employee shall immediately contact the Superintendent and provide him/her with the original Child Abuse Report Form ([Form A](#)).
 - 3.2.2. The Superintendent shall in appropriate circumstances promptly notify the Ministry for Children and Families, Centralized Intake and Screening and/or the R.C.M.P. On the copy of the Child Abuse Report Form ([Form A](#)), the Superintendent shall record the name of the person to whom the information was provided, the date and time of the notification, and the action proposed by the person(s).
 - 3.2.3. The Superintendent shall immediately inform the parent(s) if their child is to be involved in any type of District investigation.
 - 3.2.3.1. Teachers who report other teachers suspected of child abuse do not contravene the B.C.T.F. Code of Ethics in making a report of suspected child abuse.
 - 3.3. Co-operation with the Ministry and Police

If the Ministry for Children and Families and/or police wish to interview a child at school who may have been abused and/or is in need of protection, the principal is to:

 - 3.3.1. Determine and confirm the name and identity of the person seeking to interview the child;
 - 3.3.2. Consult with the Superintendent to determine:
 - 3.3.2.1. If the interview is appropriate, and, if it is,
 - 3.3.2.2. Whether it is appropriate to communicate with the child's parents, and if it is,
 - 3.3.2.3. Who will communicate with the child's parents.
 - 3.3.3. Provide a private, non-teaching room for the interview; and
 - 3.3.4. Make himself or herself, and other staff, available for the interview, if requested.
 - 3.4. District Investigation
 - 3.4.1. Internal investigations shall be conducted in accordance with the procedures established by the Superintendent and the terms of the applicable collective agreement.
4. Procedure To Be Followed Concerning Suspected Child Abuse By A Person Who Is Not An Employee Of The District
 - 4.1. Complete Child Abuse Report located within the online [CARSI](#) system.
 - 4.2. Where a District employee has reason to believe a child is being harmed or is at risk of being harmed and is in need of protection, as defined in Section 13(1) of the Child, Family and Community Services Act the employee shall promptly complete online Child Abuse Report which includes:
 - 4.2.1. The name of the child, his or her birth date, grade, address, and telephone number.

- 4.2.2. The names and birth dates of any siblings of the child.
 - 4.2.3. The names of the parent(s); and
 - 4.2.4. The grounds for the employee's concern, including any statements made or information provided by the child or any other source.
- 4.3. Inform the Proper Persons
- 4.3.1. The employee shall immediately notify Ministry for Children and Families through the Centralized Intake and Screening line: 1-800-663-9122. Within the online Child Abuse Report, the employee shall endeavor to record the name of the person to whom the information was provided, the date and time of the notification, and the action proposed by the person.
 - 4.3.2. The employee shall immediately inform his or her principal or supervisor that a report has been made to Ministry for Children and Families through the Centralized Intake and Screening line. The Child Abuse Report Form A will be provided to the District Principal, Student Support Services.
 - 4.3.3. All information related to reporting must be retained in a manner that ensures confidentiality and security of such information.
 - 4.3.4. No District personnel shall attempt to conduct their own investigation of the matter, nor shall any District personnel attempt to notify the parent(s) of the child.

Reference: Sections 7, 9, 15, 16, 17, 20, 22, 65, 79, 85, 177 School Act
 Section 13, 14 Child, Family and Community Services Act
 Freedom of Information and Protection of Privacy Act
 Section 32.2 Health Profession Act
 Section 27.1 Teacher Profession Act
 Criminal Code of Canada
 B.C. Handbook for Action on Child Abuse and Neglect –For Service Providers, 2007
 Responding to Child Welfare Concerns, 2007
 Responding to Child Welfare Concerns – Your Role in Knowing When and What to Report
 Interagency Protocol for Reporting and Investigation of Child Abuse and Neglect
 Delegated Aboriginal Child and Family Services Agency Protocol
 Criminal Code of Canada
 BCTF Code of Ethics

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