

In Effect as of August 2018

# Child Abuse

## Policies on Prevention and Reporting



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Studio9 Independent School of the Arts respects that the protection of children from abuse is a fundamental and legal responsibility of everyone in society and in the education system. This policy is intended to specifically address the responsibility of employees, volunteers and others interacting with students at Studio9.

### Policy Statement

The Administration at Studio9 requires that all employees of Studio9 exercise reasonable care and take all appropriate action to protect students from harm or risk of harm as defined in this policy.

The Administration at Studio9 strongly encourages all employees of Studio9 to be proactive in collaborating with the Ministry of Children and Family Development, the delegated Aboriginal Child and Family Services agencies, and the police in the prevention and reporting of child abuse.

This policy provides guidelines to assist Studio9 employees to act effectively where there is reason to believe that a student needs protection, while ensuring that the rights of all individuals involved are protected.

### Policy References

- The BC Handbook for Action on Child Abuse and Neglect for Service Providers
- Supporting Our Students: A Guide for Independent School Personnel in Responding to Child Abuse
- Freedom of Information & Privacy Protection Act

### School Official and Alternate

Prior to reporting to the Ministry of Family Development, the School Official or Alternate must be notified of the circumstances. The School Official is the Principal, Cadence Trites, and the Alternate is the CEO, Mike Guzzi.

### Guiding Principles

1. Studio9 employees (hereinafter referred to as “employees”) have a duty to ensure that reasonable care is exercised and appropriate action taken to protect students from harm or risk of harm, including child abuse as defined in Guiding Principle 6 below.
2. Studio9 will not condone any form or degree of physical force on a student by any employee for the purpose of correction or discipline, unless the use of an appropriate level of force is required to prevent the student from being harmed or harming others.
3. Under Section 14 of the Child, Family and Community Services Act (hereinafter referred to as “the Act”), any person (including a district employee) who has reason to believe that a child needs protection, as set out in Guiding Principle 5 below, must

promptly report the matter to the Ministry of Children and Family Development (hereinafter referred to as the Ministry) or to a Delegated Aboriginal Child and Family Services Agency.

4. "Reason to believe" simply means that based on what the employee has seen, or information the employee has received, the employee has a reasonable belief that a child has been or is likely to be at risk of harm. It is the responsibility of the Ministry to determine whether abuse or neglect has occurred or is likely to occur.

5. A child is considered to be "in need of protection" under Section 13 of the Act 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 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.

For the purpose of this policy and accompanying administrative procedures, "child abuse" means physical abuse, emotional abuse, emotional harm, sexual abuse, sexual exploitation and neglect, as defined in the BC Handbook for Action on Child Abuse and Neglect (Appendix A).

Any employee who makes a report based on Guiding Principles 3 must do so in accordance with Administrative Procedure 4.

When a school administrator receives a report of alleged abuse by an employee, the provisions of this policy will apply.

Employees are in daily contact with children and are frequently the first adults to become aware of situations which may be indicative of abuse. All employees, being persons in a position of trust, share a special responsibility for increasing their own awareness and knowledge of:

- a) the identification of child abuse and neglect;
- b) their responsibility to report; and,
- c) the appropriate procedures to follow when reporting suspected cases.

### Legal Duties

Section 14(1) of the Act imposes a legal duty on each person (including an employee) who has reason to believe that a child is in need of protection as defined in Section 13 of the Act to report.

Section 14(5) of the Act states that: No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.

Section 101 of the Act states that: No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of a power, duty or function conferred by or under this Act.

It is an offence under Section 14(3) of the Act if a person fails to promptly make a report as required.

### Prevention

The Administration at Studio9 supports education programs for students of all ages as a means of ensuring that students are aware of and able to prevent acts of abuse against them and report any acts perpetrated against them or others.

The Administration at Studio9 supports education and awareness programs for employees in relation to child abuse prevention and reporting.

Age-appropriate abuse prevention education programs will be provided for students in all schools. These programs will be specifically targeted for abuse awareness and prevention or will be part of courses such as Health and Career Education (HACE) or Planning 10.

### Confidentiality

Confidentiality will be respected whenever possible and appropriate, and information about child abuse allegations will only be shared on a need to know basis.

The Administration at Studio9 is committed to ensuring that the safety and ongoing support of students are paramount.

### Parents

The role of parents in support of their children where child abuse allegations have been made is recognized and valued. Where it does not compromise the Ministry or RCMP's investigation process, parents may be present during an interview being conducted by the school.

Parents and others who are either involved in processes described in this policy or reported to under the provisions of this policy will be provided with follow up communication as appropriate and in a timely manner, including in relation to investigations and any resolution processes.

### Disclosure by a child

When a student discloses abuse to a teacher, administrator or other staff member, it is suggested that the informed employee:

1. Stay calm and listen. Let the student tell his/her story. Do not interview the child or ask leading questions.
2. Get only the basic facts in order to assist in your determination of whether or not to report. You do not need a lot of detail. The student may need to tell his/her story to an administrator, a social worker and/or the police as well, and it is important that your discussion with the child not interfere with a possible investigation.
3. Go slowly. Let the student tell what happened in his/her own way and at his/her own pace.
4. Be supportive. Let the child know:
  - He/she is not in trouble and has not done anything wrong.
  - He/she did the right thing by telling you.
  - You will do everything you can to help.
  - You know other people who can help, too.
5. Tell the child what will happen next. Let the child know that there will be other adults who may need to talk with him/her (Studio9 employees, child protection or police). It is okay to say "I do not know" or "we can ask the principal or child protection worker." Do not promise to keep it a secret.

### Reporting Procedure when a Parent or Legal Guardian or Other Adult (Not an Employee) is the Alleged Abuser

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This may occur by disclosure by a student or because a person has reason to believe that a child has been abused, is at risk of abuse, or is being neglected.

The employee must report to the Ministry of Children and Family Development immediately and must submit a written account of what was disclosed to the Principal. Reporting to the Principal will provide the employee with support and allow for Ministry follow-up with the school as necessary. Parents will normally be contacted by the Ministry of Children and Family Development or police (if involved by the Ministry), and depending on the circumstances as described above, may be contacted by the school administrator.

### How to Report

Call the Ministry of Children and Family Development (MCFD) at 1(800) 663-9122. After hours or on statutory holidays, if there is no one available at this number, call the Helpline for Children at 310-1234. If the child is in immediate danger, call 911. Make sure that you are in a private area, where no one is able to overhear your conversation.

### What to Report

The employee does not need full details or proof prior to calling. The employee will be asked for as much information about the concern as can be provided: This will include:

- Reporter's name and phone number
- Relationship to child
- Any immediate concerns about the child's safety
- The location of the child
- The child's age
- Information on the situation including all physical and behavioural indicators observed
- Information about the family, parents, and alleged offenders
- The nature of the child's disabilities, if any
- The name of a key support person
- Other child(ren) who may be affected
- Information about other persons or agencies closely involved with the child and/or family
- Any other relevant information concerning the child and/or family such as language and culture
- Role of aboriginal community preserving aboriginal identity specific role of aboriginal community in ensuring safety and well-being

If a child is in immediate danger, the employee is expected to contact police to determine if the child is in need of protection. The employee may request that a school administrator make those calls.

### After the Report

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It is expected that the Ministry will:

- Determine if the child needs protection
- Contact the police if a criminal investigation is required
- Coordinate a response with other agencies, if necessary

Under 16 (3) of the Act, the social worker must make all reasonable efforts to report the results of the investigation under sub-section 2(c) to

- a) the parent apparently entitled to custody of the child
- b) the person who reported the information that led to the investigation,  
and
- c) any other person or community agency if determined that this is necessary to ensure the child's safety and well-being.

The employee must verify to the Principal that a call to the Ministry of Children and Families has been completed. The employee should also write down as soon as possible and, in as much detail as possible, the information disclosed by the child; this will help if and when this information might be needed at a later time (interviewing the reporter). This information must be kept in a secure location.

### Children in Immediate Danger

Where there is reason to believe that a child is in immediate danger or that a criminal offence has been or is likely to be committed, the school administrator will notify the police, as per Criminal Code offence provisions.

The Ministry/Police team will determine whether or not to interview the child. If an interview is carried out at the school, the Ministry of Children and Family Development/Police Team will be expected to identify themselves to the school administrator by presenting appropriate identification.

The Ministry/Police team will normally contact the parents and develop safety plans with the school as necessary.

The Ministry of Children and Family Development case worker will normally contact the Principal or designate (prior to the beginning of the next school day) in order to:

- confirm that the Ministry of Children and Family Development/Police team has contacted the parents;
- indicate whether child abuse took place;
- indicate potential deviation from normal school attendance.
- Inform about any continuing proceedings involving the Ministry/Police (i.e., restraining orders) and provide school with a copy for the file.

If child abuse took place, it is expected that the Ministry of Children and Family Development case worker will contact the school administrator at a later date in order to:

- communicate certain aspects of the case;

- discuss possible strategies with the classroom teacher, in order to facilitate the child's coping in the classroom.

### Reporting Procedure When an Employee or Other Adult Interacting with Students in the School is the Alleged Abuser

This may occur by disclosure of a student or because a person has reason to believe that a child has been abused, is at risk of abuse, or is being neglected.

Any alleged abuse by an employee or other adult working with students (not parent or legal guardian) is to be reported to the school administrator immediately. The Ministry of Children and Family Development will normally not be contacted in regard to such an allegation.

If the child is disclosing abuse by an employee or other adult the person receiving the report should use the approach described in Administrative Procedures 3.

Upon receipt of the allegation, the school administrator or Superintendent or designate will ensure that the child is safe and contact the police and any other appropriate agency if there is reason to believe that a child is in immediate danger or that a criminal offence has been or is likely to be committed.

Certified teachers should be aware that a certified teacher who has reason to believe that another certified teacher is guilty of professional misconduct toward a student that involves physical harm, sexual abuse or sexual exploitation or significant emotional harm must promptly provide a written and signed report to the BC Teachers Regulation Branch.

Teachers should also be aware that the BCTF Code of Ethics provides that: "It shall not be considered a breach of Clause 5 of the Code of Ethics for a member to follow legal requirements or official protocols in reporting child protection issues." Clause 5 provides: "The teacher directs any criticism of the teaching performance and related work of a colleague to that colleague in private, and only then, after informing the colleague in writing of the intent to do so, may direct in confidence the criticism to appropriate individuals who are able to offer advice and assistance."

Studio9 investigative processes will normally include the Principal and CEO who will:

1. review allegations to determine whether or not an investigation is warranted (note that if an investigation is not warranted, the process skips to step 6) and if so;
2. inform the employee of the allegations, the employee's rights and responsibilities under the contract of employment, and the processes that will be followed;
3. receive the report;
4. share the findings with police if necessary;
5. as appropriate, share the findings with the employee; and,



6. regardless of whether or not an investigation has occurred and regardless of the outcome, share the processes that have occurred, and if appropriate the outcomes, with the reporter of the allegations.

When it is alleged that a student has been abused by an employee or other adult working with students at Studio9, the school administrator or Superintendent or designate will inform the parent(s) promptly.

### Types of Abuse

#### 1. 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.

#### 2. 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

#### 3. 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 he/she demonstrates severe:

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

#### 4. Sexual Abuse

Sexual abuse is when a child is used (or likely to be used) for the sexual gratification of another person. It includes:

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- 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 his/her body for sexual purposes
- deliberate exposure of the child to sexual activity or material, and 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, and
- appearing in pornographic images.

### 5. Neglect

Neglect is a 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.