

ABUSE POLICY

SEMINARY OF CHRIST THE KING • PO BOX 3310 • MISSION, BC • V2V 4J5 • PHONE: 604-826-8715 • FAX: 604-826-8725

Rationale

Every student has a right to a life free of abuse, neglect and violence. Child abuse is a serious societal issue. As “service providers”, everyone in SCK must be aware of signs of child abuse or neglect and know how to respond to them.

Guiding Principles

1. The safety and well-being of children are the paramount considerations
2. Children are entitled to be protected from abuse, neglect, harm or threat of harm
3. 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. If, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided
5. The child’s views should be taken into account when decisions relating to a child are made
6. Kinship ties and a child’s attachment to the extended family should be preserved if possible
7. The cultural identity of Aboriginal children should be preserved
8. Decisions relating to children should be made and implemented in a timely manner

Policy

SCK’S policy prohibits any form of child abuse, neglect or violence. The *Child, Family and Community Service Act* states that anyone who has reason to believe that a child has been, or is likely to be at risk, has a legal duty to make a report to a child welfare worker, or directly to the police, if a child is in immediate danger.

- A. At the beginning of each school year, the school principal will review with all school personnel the following 3 documents:
 - a. “*BC Handbook for Action on Child Abuse and Neglect*” (BC Ministry of Children and Family Development)
 - b. “*Responding to Child Welfare Concerns*” (BC Ministry of Children and Family Development)
 - c. “*Supporting our Students: A Guide for Independent School Personnel Responding to Child Abuse*” (Office of the Inspector of Independent Schools BC)
- B. The school principal is designated as the ‘*Appointed School Official (ASO)*’ and a second ASO is appointed by the principal to act as a backup in accordance with *Supporting Our Students: A Guide for Independent School Personnel Responding to Child Abuse (revised 2014)*. That person is Father Anthony Nguyen OSB.
- C. Schools will protect personal information regarding child abuse, neglect or violence against improper or unauthorized disclosure and use.
- D. School personnel will report suspected child abuse, neglect or violence immediately. Everyone who has a 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 otherwise in need of protection as set out in Section 13 of the *Child, Family and Community Service Act* is legally responsible under section 14 of that Act to report promptly to a social worker. School personnel, who are uncertain about their duty to report, will consult with a social worker who can discuss the options and course of action.

- E. School personnel will inform the principal (or another school official in the event that the principal is the alleged offender) as soon as possible.
- F. School personnel will co-operate with the resulting investigation.
- G. School personnel will support students who have experienced child abuse, neglect or violence.

Procedure

Anyone who suspects a child is being abused or neglected, has the legal duty to report the concern to a local child welfare worker (phone 1800 663 9122 at any time of day or night). If it is after hours or in the case of uncertainty about who to contact, a child or youth should call the Helpline for Children toll free at 310-1234 (area code not required) at any time of the day or night. The caller's name is not required. **If the child is in immediate danger, call 911.**

Summary of Roles and Responsibilities

1. Parents have the primary responsibility to protect their children. Where parents are unwilling or unable to care for a child or protect the child from harm, the Ministry of Children and Family Development (MCFD) is authorized to intervene.
2. MCFD has the lead responsibility for responding to suspected child abuse and neglect. In cases involving aboriginal children the Ministry delegates authority to the Aboriginal Child and Family Services Agency, which provide services to aboriginal communities.
3. Police respond when a child is in immediate danger and investigate suspected cases of criminal offence.
4. Service providers must be aware of signs of possible child abuse or neglect and respond to any concern about a child's safety or well-being.
5. The school principal and his or her back up are the designated "Appointed School Officials", who may be required to:
 - investigate 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 1 1/92, Discipline Reporting Order) and
 - refer student(s) for counselling
 - appoint a replacement in the event of the principal himself being accused. This person is Father Anthony Nguyen osb.

Anyone who has reason to believe that a child may be at risk, and the child's parents are unwilling or unable to protect the child, has a legal duty to report to a child welfare worker. The duty to report overrides any duty to protect the privacy of clients, patients, students or staff with the exception of solicitor-client privilege or confidentiality provisions of the federal *Youth Criminal Justice Act*.

Appendix A – Legislation

Child, Family and Community Service Act

The *Child, Family and Community Service Act* is the legislation on child welfare in British Columbia. Its fundamental guiding principle is that the safety and well-being of children are the paramount considerations. The *CFCSA* is available online at:

www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm

Part 3, Section 13 of the "*Child, Family and Community Service Act 1996*" (amended 2002) quoted below clarifies when protection is needed and the duty to report child protection concerns.

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 i) the parent's conduct, or ii) living in a situation where there is domestic violence by or towards a person with whom the child resides
- 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) 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.

Criminal Code of Canada

The *Criminal Code* provides the justice system with the legal authority to enforce criminal law as it applies to the abuse and neglect of children. It establishes criminal offences, procedures for investigation, and prosecution and sanctions for offenders. The *Criminal Code* is available online at

<http://laws.justice.gc.ca/en/C-46/>

Appendix B – Glossary / Definitions

A number of the terms used in this policy have specific meanings in the context of the British Columbia child welfare system. These are defined below to help ensure clarity and support a collaborative response to suspected child abuse and neglect.

Appointed School Official: the school principal; the second ASO is appointed by the principal as a back up

Aboriginal: includes the Indian, 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: anyone under the age of 19 in British Columbia (see *Child, Family and Community Service Act (CFCSA)*)

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

Delegated Aboriginal Child and Family Services Agency: an organization that provides culturally-appropriate services to aboriginal children and families, and whose child welfare workers have delegated authority under *CFCSA* 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 *CFCSA*. The Director may delegate any or all of his/her powers, duties and responsibilities under the *Act*.

Emotional Abuse: the most difficult type of abuse to define and recognize. It may include ignoring or habitually humiliating the child or withholding life-sustaining nurturing. It involves acts or omissions likely to have serious negative emotional impacts. Emotional abuse may occur separately from or with other forms of abuse and neglect. It includes the emotional harm caused by witnessing domestic violence.

Emotional harm: when emotional abuse is chronic and persistent, it can result in emotional harm to the child. Under the *CFCSA* a child is defined as emotionally harmed if they demonstrate severe

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

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.

Parent or Guardian: the mother or father of a child; a person to whom custody of the child has been granted by a court order or agreement; a person with whom the child resides and who stands in place of the child's mother or father.

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 himself/herself or others.

Service provider: employees and volunteers of the SCK

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

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.

References

- Child, Family and Community Service Act BC
- *BC Handbook for Action on Child Abuse and Neglect;* (Ministry of Children and Family Development BC)
- *Responding to Child Welfare Concerns* (Ministry of Children and Family Development BC)
- *Supporting our Students: A Guide for Independent School Personnel*
- *Responding to Child Abuse* (Office of the Inspector of Independent Schools BC)
- *Student Records: Requirements and Best Practice Guidelines for Independent Schools* (Office of the Inspector of Independent Schools BC)
- Personal Information Protection Act (PIPA)
- Youth Criminal Justice Act
- Abuse Sample Policy/FISA BC