

# CHILD ABUSE AND NEGLECT

## Background

The District requires all staff to concern themselves with the physical, social and emotional welfare of each student. Abuse or neglect of children and youth must not be left unchecked by persons charged with the care of students.

Consistent with the objectives of the District, education is to assist students to deal with social issues including the implementation of appropriate child abuse prevention programs.

## Definitions

For the purpose of this Administrative Procedure:

Child abuse can take different forms. It may be physical, sexual, emotional or the result of neglect as defined in the *BC Handbook For Action on Child Abuse and Neglect* and companion guide *Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report*. (p 3-6)

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

Sexual abuse means any sexual use of a child by an adult or significantly older or more powerful child. There are many criminal offences related to sexual activity involving children prohibited in the Criminal Code of Canada.

Sexual activity between children may constitute sexual abuse if the difference in age or power is so significant that the older or more powerful child is clearly taking sexual advantage of the younger or less powerful child. This would exclude consensual, developmentally appropriate sexual activity between children where there is no significant difference in age or power between the children.

Sexual exploitation is a form of sexual abuse that occurs when a child engages in 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. 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.

Emotional abuse, the most difficult type of abuse to recognize may range from habitual humiliation of a child to withholding life-sustaining nurturing. It can include acts or omissions by those responsible for the care of 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 harm occurs when emotional abuse is persistent and chronic. It can result in emotional damage if a child demonstrates severe anxiety, depression, withdrawal or self-destructive or aggressive behaviour.

Neglect is the failure to provide for a child's basic needs. It involves an act of omission on the part of the parent that results or is likely to result in physical harm to the child. Neglect may include failure to provide food, shelter, or basic health care. It generally refers to situations in which a child has been, or is likely to be, physically harmed through action or inaction by those responsible for care of the child.

Need of Protection: A child is in need of protection under the Child Family and Community Service Act if he or she is:

- abused or neglected so that his/her safety or well being is endangered
- abandoned
- deprived of necessary care through the death, absence or disability of his/ her parent,
- deprived of necessary medical attention, or
- absent from his/her home in circumstances that endanger his/her safety or well being.

## Procedures

### 1. Legal Duty to Report

1.1 "Any person who has reason to believe that a child

1.1.1 has been, or is likely to be, physically harmed, [emotionally abused,] sexually abused or sexually exploited by a parent or other person, or

1.1.2 Needs protection under Section 13(1)(d) to (k)

must promptly report the matter to a Director or a person designated by a Director.

"The above quote is part of the BC Child, Family and Community Service Act (Section 14 (1) (a) and (b).

1.2 District employees, therefore, who have "reasonable grounds" are thus required by law to report to the local Ministry of Children and Family Development (MCFD) or by a Delegated Aboriginal Child and Family Services Agency their suspicions of a case of child abuse.

1.3 A person who fails to report commits an offence. (Section 14(6).

1.4 A teacher must report suspected abuse or neglect to a child welfare worker as outlined in the BCTF Code of Ethics.

### 2. Protection from Liability Section 14(5)

2.1 "No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information."

### 3. The Role of District Employees

As service providers, teachers, other District employees and other personnel are in daily contact with children, they are frequently the first adults to become aware of situations which may be indicative of abuse or neglect. All employees being persons in a position of trust, therefore, share an additional responsibility for increasing their own awareness and knowledge of:

3.1 The identification of child abuse or neglect;

- 3.2 Their responsibility to report all suspected cases to a child welfare worker;
- 3.3 The appropriate provincial and District procedure to follow when reporting suspected cases as outlined in the companion guide entitled [\*Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report.\*](#)

In addition, District employees are to:

- 3.4 Conduct themselves in a manner which maintains a student-adult relationship built on trust and mutual respect for the rights of each as expected in [Administrative Procedure 104 - District Code of Conduct](#);
- 3.5 Refrain from any behaviour through word or action which might be construed as “suggestive” or “abusive” either sexually, emotionally or physically;
- 3.6 Attend District-sponsored in-service on Child Abuse and Neglect whenever possible.

#### 4. District Protocols

- 4.1 District staff in conjunction with officials from Cowichan Tribes, the RCMP and Ministry for Children and Family Development personnel have organized protocols to be followed by all District personnel. These protocols shall be reviewed with the Ministry of Children and Family Development (MCFD), a Delegated Aboriginal Child and Family Services Agency, and the RCMP, and updated prior to September 1 each year. A revised draft of the District Child Abuse/ Neglect Protocols will form part of this Administrative Procedure and be referred to as an Appendix.

#### 5. Responsibilities of the District:

- 5.1 To make accessible to all staff members a copy of the [Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report](#), companion guide to the [BC Handbook For Action on Child Abuse & Neglect](#);
- 5.2 To attach to this companion guide a copy of Administrative Procedure 325;
- 5.3 To review and distribute to each staff member at the beginning of each school year, a copy of the procedure to be followed by staff.

#### 6. Principals' Responsibilities:

- 6.1 To make accessible to all staff members, a copy of [Responding to Child Welfare Concerns Your Role in Knowing When and What to Report](#) available on line at: [www.mcf.gov.bc.ca /child protection/publications](http://www.mcf.gov.bc.ca/child%20protection/publications), companion guide to the [BC Handbook For Action on Child Abuse & Neglect](#);
- 6.2 To attach to this companion guide a copy of Administrative Procedure 325;
- 6.3 To review with each staff member their duty to report at the beginning of each school year.

Reference: Sections 7, 9, 15, 16, 17, 20, 22, 65, 79, 85, 177 School Act  
Section 13, 14 Child, Family and Community Service 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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