

## 9.0 Department of Education Intervention Guidelines

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### 9.1 Introduction

School personnel are sometimes the only persons in a position to recognize that a child is in need of protection. Children who come to school with injuries (physical and emotional) can be identified if school staff is aware of the indicators of abuse and neglect. For some children, their school may be the only place where they feel safe and where it is possible for them to have healthy relationships.

The Child Victims of Abuse and Neglect Protocols are intended to help service providers, in this instance school personnel, deal with abuse and neglect which is not perpetrated by a professional in the school system. In those instances, school personnel shall defer to Policy 701 - Policy for the Protection of Pupils in the Public School System from Misconduct by Adults (Pupil Protection Policy).

### 9.2 Roles

The district superintendent is responsible for ensuring that all district and school personnel are familiar with and understand their responsibilities under the Child Victims of Abuse and Neglect Protocols.

All school personnel, including teaching and non-teaching staff, play a role in the identification, disclosure, and prevention of neglect and abuse of children. All personnel have a legal obligation to personally report cases of suspected child abuse or neglect to Child Protection Services without delay. It is critical that school personnel are

aware that the mere suspicion of child abuse necessitates a report and that investigation of the allegation is the responsibility of Child Protection Services. Schools could inadvertently jeopardize the integrity of an investigation by acting beyond the scope of their authority.

Each school should have a procedure for addressing child abuse or neglect situations. Depending on the size of the school, the principal may delegate certain responsibilities in order to coordinate the school’s efforts and action plans.

#### 9.2.1 The principal’s responsibilities are:

- to ensure that all school personnel know and understand their responsibilities under the Child Victims of Abuse and Neglect Protocols;
- to ensure that staff is aware of its legal obligation under the *Family Services Act* and the *Education Act* to report cases of suspected child abuse or neglect;
- to develop, in consultation with staff, a clear process for making referrals to Child Protection Services;
- to ensure that the report of suspected abuse or neglect is filed with Child Protection Services for their investigation;
- to ensure staff and students are well-informed about issues related to child abuse and neglect;
- to ensure that students are aware of the duty of all professionals to report disclosed incidents of abuse. This must be undertaken in an age-appropriate manner and in accordance with students’ comprehension levels such that students know who and when to tell; and
- to ensure that all staff and students know how to access assistance when required.

In cases where there are custody issues, principals must ensure that<sup>1</sup>:

- Parents are notified annually that they must make the school aware of any serious custody issues that could impact on the safety of their child.

<sup>1</sup>For additional information, please refer to *Policy 710 - Release of Students and Access to Student Information*  
<http://www.gnb.ca/0000/policies.asp>

- Upon receipt of appropriate documentation from parents/guardians, staff members are aware of individual cases where a child may be at risk of being unlawfully taken from school premises and a plan is in place to protect the child, as appropriate.
- Information, such as home address, phone number or place of work, must not be disclosed about one parent to the other, unless consent for information sharing has been received.
- Access to student records includes access by a non-custodial parent unless the parent is barred from access by a court order.
- When a person who is authorized to pick up a child is not familiar to school staff, the principal must ensure that proof of identity is provided.

Lastly, school staff is strongly encouraged to participate on the **Child at Risk Teams**. Participation may range from a consultative role to more intense involvement depending on the situation. Meeting the needs of children suffering from abuse requires the collaboration of all partners so that the provision of supports and services can be looked at holistically.

### 9.3 Duty to report

According to the *Family Services Act*, every person has a duty to report child abuse and neglect:

*30(1) Any person who has information causing him to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused shall inform the Minister of the situation without delay.*

Additionally, every professional has a duty to report abuse or neglect:

*30(3) A professional person who acquires information in the discharge of the professional person's responsibilities that reasonably ought to cause the professional person to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated or otherwise abused but who does not inform the Minister of the situation without delay commits an offence.*

The *Education Act* requires every professional who is not a member of the school personnel to immediately report to the Minister of Education the name of any member of the school personnel who he or she has reasonable grounds to believe has engaged in non-professional conduct defined as, "conduct having or likely to have an injurious effect on the physical, mental, social or emotional well-being of a pupil or any other person under the age of 19 years".

Professional means a professional person as defined in subsection 30(10) of the *Family Services Act*.

Failure to report such information to the Minister of Education is an offence under the *Education Act*.

Whenever possible, the information supplied should be recorded on a Complaint Summary form of Policy 701 (see Appendix 13.3) and submitted to the Human Resources Branch of the Department of Education. However, the report can be made by phone or in person.

Guidelines concerning reporting requirements under the *Education Act* will be attached to the Department of Education's Policy 701 on its policy website.

Where the allegation pertains to a member of the school personnel and there are sufficient grounds to warrant investigation by the school district, the school district investigator prior to commencing an investigation should contact the child protection worker to request that the school district investigator(s) be granted observer status for relevant interviews conducted by Family and Community Services.

### 9.4 Making referrals

The school employee who suspects abuse or neglect must report his or her suspicions immediately and directly to Child Protection Services. Consulting with the principal, guidance counselor or other staff does not remove the obligation of school personnel to make a direct and personal report to Child Protection Services.

A verbal referral to Child Protection Services shall be followed by a written referral as soon as possible using the Child Abuse/Neglect Referral Form (see Appendix 13.2).

The referral should include:

- the child's complete name and date of birth;
- the name and address of the parent or guardian;
- details of the suspected/disclosed abuse or neglect; and
- the name of the individual who suspects abuse or neglect or to whom a disclosure has been made regarding abuse or neglect.

Although it is generally the role of the child protection worker to assess the referral and, if criminal activity is suspected, to contact the police for joint investigation, school personnel are also obligated to contact the police where criminal activity is suspected.

If abuse is perpetrated by another student, the scenario will determine whether a report is made to Child Protection Services. Conflicts or bullying on school grounds can usually be resolved through Policy 703. However, if a student sexually abuses another child, Child Protection Services must be contacted.

The school employee should maintain an accurate record of the suspected/disclosed abuse or neglect should he or she be required to give evidence in court. The record should contain:

- when the abuse or neglect was noticed or a disclosure made;
- what specific indicators were noticed;
- the time and date the referral was made to Child Protection Services and to whom the report was made;
- whether or not the police were notified;
- the time and date the Child Protection Worker responded to the referral if applicable; and
- any comments that the child voluntarily shared with the school employee.

When a referral to Child Protection Services is made, Child Protection Services or the police generally contact the parent/guardian. School personnel should confirm with the child protection worker whether they should contact parents/guardians.

### **9.5 Disclosure**

If a child discloses abuse to a school employee, the employee should remain responsive, supportive and open if the child wishes to continue talking. However, the school employee should abstain from interviewing the child in detail. This is the role of the Child Protection Worker or the police. Additionally, the Child Protection Worker:

- must present credentials identifying him or her as a designated person acting on behalf of the Minister of Family and Community Services prior to interviewing a child in or on school property;
- can interview students without parental consent regardless of the source of initial referral;
- may, in some cases, remove a child from the school premises in order to conduct an investigation to determine if the child is in need of protection.

If the child prefers, a person whom the child trusts may be present during the interview. That person is not expected to participate in the interview, but rather act as a supporter for the child. On the other hand, no child should feel obligated to respond to questions from the Child Protection Worker about his or her family in the presence of a third party.

In the case of physical or sexual abuse incidents, the child must be protected from the alleged perpetrator by keeping the child at school until a Child Protection Worker arrives. If a child is kept at school, a school employee must remain with the child at all times.

## 9.6 Case management

School employees may be involved in developing the case plan with Child Protection Services and shall be made aware of their role with regards to other professionals providing services to the child and his or her family.

If school employees have any questions about the decisions or actions taken by Child Protection Services or the police, the matter can be discussed with the Child Protection Worker, his or her supervisor, or the investigating police officers.

If specific concerns remain unresolved, they are to be documented and forwarded to the Regional Director of the Department of Family and Community Services, or to the Chief of the investigating police force.

No administrative or other sanctions will follow any inquiry a school employee might have made on the report that he or she initiated.

## 9.7 Education and prevention programs

The Department of Education has the opportunity to effectively break the cycle of abuse through preventative education for students and appropriate referral to support services for young people.

The Department is currently supporting or offering the following education/prevention programs in schools:

**Health Education Curricula** for each grade level K-12. The units at each level maintain an active, student-centered approach to learning, address health and social problems of youth, teach how to reduce health-risk behaviours and maintain physical, emotional and psychological well-being.

**Personal Development and Career Planning K-12.** The personal development aspect of the program involves outcomes, which enable learners to explore their specific personality traits and skills, take responsibility for their behavior, develop positive self-esteem, and learn how to interact effectively with others.

**Making Waves** is a program designed to help teens recognize the warning signs and effects of dating violence and to avoid becoming victims.

The Making Waves team believes that it is important to involve young men and women in finding solutions that will speak to their peers. Facilitators encourage teens to play a leading role in creating an environment in their schools where violence and abuse are not acceptable.

**Peer Helper Programs** exist in several high schools in the province.

**Leadership Programs** exist in some high schools in the province.

**Policy for the Protection of Pupils in the Public School System from Misconduct by Adults (Policy 701)** helps to ensure students are protected from abusive behaviour by adults including physical, sexual and emotional abuse and discrimination.

**Positive Learning Environment Policy (Policy 703)** requires each school to establish a process for fostering positive learning and working environments.

**Release of Students and Access to Student Information (Policy 710)** addresses issues related to child custody, access to student information and the physical release of students into the care of persons external to the school system.

Schools hold theme weeks, have awareness campaigns (e.g. health fairs, resource speakers, etc.) and other means of providing promotion and education to staff and students. These are often a collaborative effort by schools and community organizations. Some examples include:

In collaboration with the Muriel-McQueen Ferguson Foundation, a video entitled **He Says, She Says** was produced as part of the Creating Peaceful Learning Environments Project in schools. This video was sent to all high schools and alternate sites at a training session by the Department of Education on a new resource **Focus on Harassment and Intimidation: Responding to Bullying in Secondary Schools**. Follow-up and support for local implementation of these resources, which support Policy 703 (Positive Learning Environment Policy) is ongoing for these schools by districts.

The Joint Provincial Committee on Behavioural Issues was formed as a cooperative effort of the Department of Education, all school district Positive Learning Environment Coordinators, the NBTA ad hoc discipline group, and representatives of the anglophone education group (superintendents and directors of education). This committee has as its focus the promotion of Policy 703 in schools.

Red Cross Abuse Prevention Services has trained a number of teachers in their program for students ***It's Not Your Fault*** during summer institutes. Additionally, each year there are a number of summer institutes focused on issues of bullying and harassment awareness, prevention and intervention.

Information is available for parents, students and educators at the following:

<http://www.gnb.ca/0000/anglophone-e.asp#2> and information is available in all schools regarding the ***Parents Help Line*** and ***Kids Help Line***.