

#### BACKGROUND

Gwynne Valley Rural Academy (GVRA) believes that children, as a matter of right, should be safe, secure and cared for adequately. While parents have primary responsibility to ensure the welfare of their children, the Board and staff have a particular responsibility beyond that of the general public. Therefore, it is the obligation of all GVRA staff to be guided by the Child, Youth and Family Enhancement Act with respect to child abuse and to report any suspected cases to Alberta Child and Family Services and/or the Royal Canadian Mounted Police.

#### PURPOSE

- 1) Legal Duty to Report Abuse or Suspected Abuse.
  - a) Any person (employees, volunteers, board members, etc.) who has reasonable and probable grounds to believe that a child is in need of intervention due to abuse or neglect **has a legal duty under the Child, Youth and Family Enhancement Act to promptly report the matter to Alberta Family and Community Services.**
  - b) It is NOT up to an individual to determine if the disclosure or indicators of abuse are sufficient evidence for an investigation. That decision is made by the intake worker in consultation with his/her supervisor.
  - c) The obligation to report is not discharged until the individual who has observed the indicators of abuse has reported directly to Alberta Family and Community Services.
  - d) **GVRA** will not tolerate any form of physical, sexual, emotional, verbal, or psychological abuse, nor any form of neglect or harassment.
- 2) Academy staff are expected to confirm annually (Appendix A) that they have reviewed and understand their responsibilities as outlined in GVRA's Administrative Procedure on Child Neglect and Abuse.

## **DEFINITIONS**

**PHYSICAL ABUSE** is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.

**SEXUAL ABUSE** is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

**EMOTIONAL ABUSE** is defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, blaming.

**VERBAL ABUSE** is defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.

**PSYCHOLOGICAL ABUSE** is defined as but not limited to communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.

**NEGLECT** is defined as but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing basic necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support.

**HARASSMENT** is defined as but not limited to any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, display of racism, sexism, unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

## PROCEDURES

1. Staff members are to be knowledgeable regarding the signs and symptoms of child neglect or abuse.
  - 1.1. Principals will ensure that copies of the Responding to Child Abuse Handbook are available to Academy staff and that staff members are aware of their responsibility for increasing their awareness and knowledge of identification of child abuse or neglect.
2. Staff members must be knowledgeable regarding suspected child neglect or abuse reporting requirements and procedures.
  - 2.1. The principal will ensure that all Academy staff members are aware of their responsibility to report suspected cases of child abuse or neglect under the Child, Youth and Family Enhancement Act.
  - 2.2. All Academy personnel who have reasonable and probable grounds to believe that a child is in need of protective services will promptly report the situation to Alberta Child and Family Services and then inform the principal.
  - 2.3. When an allegation of child abuse is made against any Academy staff member, the principal will inform the Superintendent immediately.
    - 2.3.1. The Superintendent will inform the staff member of the allegation and conduct an investigation.
      - 2.3.1.1. During the period of the investigation, the staff member may be placed on unassigned duties with pay until a determination has been made with recommendations.
    - 2.3.2. If the results of the investigation support the allegations of abuse, a range of sanctions may be imposed on the respondent by the Superintendent.
      - 2.3.2.1. The sanctions depend upon the nature and seriousness of the offence.
      - 2.3.2.2. The range of sanctions include a verbal warning, a written reprimand with a copy retained in the respondent's file, suspension (with or without pay) or termination of employment.
  - 2.4. Any statement made by a child to a staff member will be recorded in the child's own words but such a recording is generally not to be made in the presence of the child. Staff members, while offering support, will refrain from initiating further interviews with the child after receiving the child's first disclosure.

- 2.5. Knowledge of a suspected case of child neglect or abuse is confidential and will be restricted to the staff member initiating the report, the principal, and if appropriate, the Academy counselor, and the Superintendent.
  - 2.6. Investigators may wish to interview Academy personnel who have regular contact with the child, or who may have other specific information relevant to the investigation. The principal will assist the investigator(s) by facilitating these contacts.
  - 2.7. Academy personnel will provide all pertinent information to the investigator(s).
  - 2.8. Since Academy personnel may be subsequently required to provide evidence under oath at a Court proceeding under section 4(1) of the Child, Youth and Family Enhancement Act, Academy personnel will summarize in writing any information provided to the investigator(s) immediately following the interview. This documentation will be retained by the person in a confidential manner for future reference.
3. Staff members must be aware of the requirements and procedures in the investigation of suspected cases of child neglect or abuse and any resulting follow up.
    - 3.1. The principal will facilitate access to students at Academy by child welfare workers and/or the police for the purpose of investigating allegations of neglect or abuse at a time convenient to the Academy and the investigator.
    - 3.2. The principal will arrange an interview with the student suspected of being a victim of neglect or abuse in a manner that will minimize any possible stigmatization of the student as a result of the interview and will recognize and preserve the family's reputation and right to privacy.
    - 3.3. The principal will ask the child welfare worker or police officer to present identification cards, to explain the nature of the investigation being conducted, and to state their reasons for conducting the interview at Academy.
    - 3.4. In the interests of confidentiality and full undistorted disclosure, it is generally most appropriate for the investigators to interview the child alone.
    - 3.5. Where a student requests or requires the supportive but non-participating presence of a familiar Academy staff member, the principal and the investigators will determine the appropriateness of having an Academy representative present during the interview.
    - 3.6. The principal's responsibility for the safety and well-being of a student in regard to matters under the Child, Youth and Family Enhancement Act is

- discharged by cooperating and assisting with child welfare investigations.
- 3.7. Child welfare staff will follow their policies and procedures in keeping the principal and other appropriate Academy personnel apprised of significant developments regarding students with whom they are involved on a protection basis. This information sharing will be governed by the Child, Youth and Family Enhancement Act, and will be on a need-to-know basis for the purposes of Academy personnel carrying out their responsibilities with respect to the student.
  4. Appropriate procedures will be followed in any contact with the parents regarding matters relating to any suspected child neglect or abuse.
    - 4.1. The responsibility for notifying parents about an investigation rests with the external investigator (child welfare worker or police officer). Dependent on the nature of the alleged neglect or abuse, the investigator will normally notify the parent following the initial contact with the child to prevent any opportunity for further abuse to the child or for pressuring the child into changing her/his story.
    - 4.2. The principal will clarify with the child welfare investigator as to when contact with the parents will be made.
    - 4.3. If the child is apprehended from Academy, or her/his return to the parent's home is delayed because of the investigation, and the principal is subsequently contacted by the parents because the child has not yet returned home, the principal will provide the investigator's name and telephone number. The principal may deem it necessary to advise the parents that a child welfare investigation has been initiated, but the parents will be referred to the investigator for further details.
    - 4.4. In the event that threats are made against Academy personnel or the child, the principal will call the police.
  5. Any ongoing access to the child in a suspected case of child neglect and abuse will be on a mutually agreeable basis between the Academy and the investigating authority.
    - 5.1. As a general rule, child welfare workers will not utilize Academy premises for ongoing interviews with the child in accordance with their policies and guidelines.
    - 5.2. If the child welfare worker believes there is justifiable reason for requesting ongoing access to a student during Academy hours, the worker will discuss the circumstances with the principal and they will negotiate a mutually

satisfactory arrangement.

6. Any conflict between the Academy and child welfare personnel will be resolved by means of procedures acceptable to the Office of the Superintendent.
  - 6.1. When the principal and a child welfare worker are unable to achieve a resolution regarding matters arising from the requested access by the worker to a student during Academy hours, the concerns will be immediately referred to the Office of the Superintendent and Alberta Children's Services.

## INVESTIGATION PROTOCOLS

7. Deciding to Report - Responding to a Disclosure
  - 7.1. A disclosure made by a child to an individual must be recorded in writing by that individual using the child's own words. The record should include observed facts such as the child's behaviour, actions, comments, persons present at the time of the incident and physical marks. The child's parent/guardians should NOT be contacted.
  - 7.2. A principal educator or any other person cannot direct an individual not to make a report.
8. Making a Report
  - 8.1. Reports are to be made to Alberta Child and Family Services,
  - 8.2. When making the report, ask for and record the intake worker's name and the file number for your call.
9. Confidentiality/Record Keeping
  - 9.1. All staff are expected to respect the child and family's right to privacy throughout the reporting and investigation procedures.
  - 9.2. Notes, reports or written observations regarding alleged abuse or neglect are to be kept separate from the student's Academy record and any other record accessible to other staff. Any record made regarding alleged or reported abuse should be kept secure and disclosed only to police or a caseworker during the investigation process.
10. Alberta Child and Family Services interviewing on Academy Property
  - 10.1. A caseworker may, during the course of an investigation, request permission from the principal to interview a student on Academy premises who is suspected of being witness to or victim of abuse. Academy personnel are expected to cooperate with the request.
    - i) Unless insisted upon by the child and agreed to by the caseworker,

- Academy personnel should NOT participate in the interview.
- ii) The principal will NOT notify the parents/guardian of the interview as this responsibility lies with the caseworker.
- 10.2. If a student is suspected of perpetrating abuse and police request permission to interview a student, the Interview of Students Protocol should be followed.
11. Follow-up Communication between the area Alberta Child and Family Services and GVRA Staff
- 11.1. The principal should be informed of the plan for the child by the caseworker prior to their leaving the Academy.
  - 11.2. Alberta Child and Family Services should ensure the principal will be given any necessary information needed to provide education services to children involved in their services.

## **INTERVIEW OF STUDENTS PROTOCOL**

Gwynne Valley Rural Academy (GVRA) recognizes the importance of cooperating with other agencies which have responsibilities relational to student welfare. These responsibilities may require agencies such as the police, public health or social service agencies to interview students in the Academy. While cooperation with other agency personnel in such interview requests is expected, GVRA has an obligation to ensure that both students and parents' rights are respected.

The principal is responsible for the administration of this Administrative Procedures.

This AP document provides guidance on the management of interviews with students conducted by external agents such as police officers, public health nurses or social workers which occur while the student is under the supervision of GVRA which do NOT occur as part of a child welfare investigation, Reasons for these interviews include, but are not limited to police investigations, child welfare support meetings or communicable disease follow-ups.

**This AP document does NOT apply when a Child Welfare investigation is underway.**

## AGENCY

### A. POLICE OFFICERS

1. When a police officer finds it necessary to interview a student during Academy hours, the police officer will report to the office of the principal or designate and make known the purpose of the visit.
2. In all instances, the principal or designate shall keep a written record on file at the campus office indicating the identity of the police officers and the reason for the interview.
3. Prior to the interview:
  - a. the principal or designate will discuss with the police officer how the student will be made aware of his/her rights in the presence of the person who will be with the student during the interview process.
  - b. If the student is under 12 years of age,
    - i) the principal is responsible for making every effort to contact the parent/guardian prior to the interview of the student by the police. **If a parent/guardian or requested relative is unable or unwilling to meet with the student and police officer, the principal or designate MUST sit in on interviews.**
    - ii) the principal or designate will bring the student to where the interview will take place in the presence of the parent(s)/guardian(s) or designate.
  - c. If the student is 12 years of age or older,
    - i) the student has the right to consult with a parent, lawyer or other trusted adult (over 18) if his/her choice.
    - ii) the principal is responsible for making every effort to contact the person/counsel of the student's choice.

(1) In extraordinarily rare circumstances, when a student's requested person/counsel is unavailable or unwilling to meet with the police officer, the student may request a staff member to sit in on the interview to consult. In this case, the student must waive his/her right, in writing, to have the parent and counsel present.

- (a) The principal or designate does NOT have the automatic right to be present at interviews and must not assume or state that he/she is the student's representative/advocate in the interview; selection of person/counsel is the student's right.
- (b) The staff member is not obligated, and if he/she refuses this request,



the student is encouraged to select some other adult to be present.

(i) If a staff member agrees to be present during the interview, he/she should understand that he/she is acting in loco parentis and is responsible for:

1. advocating for the student's best interests.
2. keeping a written record indicating the identity of the participants, the reason for the interview, and the essence of the discussions.

(ii) If a staff member agrees to be present during the interview, he/she should be aware that:

1. the student is under no obligation to give a statement.
2. any statement given by the student may be used as evidence in proceedings against him.
3. any statement made by the student must be made in the presence of the person consulted.

(2) If an adult representative of the student's choice cannot be found, the police will determine whether to remove the student from the Academy into custody or pursue the interview at a later time. The Academy will NOT facilitate the interview on site.

iii) The principal or designate will bring the student to where the interview will take place in the presence of the parent(s), counsel or other adult representative as selected by the student (students 12 years of age or over).

4. After the interview:

- a. Before removing a student from the Academy, the principal or designate will along with the police officer, determine how the parent(s) will be informed of the course of action taken.
- b. Any breach of this procedure must be reported immediately to the Superintendent.

## B. SOCIAL WORKERS/PUBLIC HEALTH NURSES

1. The principal may approve interviews of students during Academy hours requested by public health nurses or social workers if he/she believes it to be in the student's best interest.
2. In all instances, the principal or designate shall keep a written record on file at the campus office indicating the identity of the Social Worker or

Public Health Nurse and the reason for the interview.

3. Prior to an interview:

a. The student shall be:

- i) informed of their right to refuse the interview or refuse to answer questions.
- ii) advised that he/she may contact his/her parents or other counsel for seek advice.

b. the principal of the Academy will make every effort to contact the parent or legal guardian of the student to inform them of the interview if advance communication has not already occurred.

- i) If the parent is reachable, and wishes to prohibit the interview, the Academy will NOT facilitate the interview.
- ii) If the Academy is unable to contact the parent/guardian and the student agrees to the interview,

(1) the principal or his designate may be present during the interview where the principal decides, in consultation with the student, that it is in the best interests of the student to have Academy personnel present.

(2) the principal or designate shall keep a written record indicating the identity of the Social Worker or Public Health Nurse, the reason for the interview, and the essence of the discussions.

(3) the social worker or public health nurse shall be requested to inform the family of the interview as soon as is practical.

Legal Reference:	Reference: Section 11,33,52,53,56,196,197,222 Education Act <i>Child, Youth and Family Enhancement Act.</i> (Alberta) Child, Youth and Family Enhancement Act Drug Endangered Children Act Freedom of Information and Protection of Privacy Act Protection of Sexually Exploited Children Act Practice Review of Teachers Regulation 4/99 Student Record Regulation 225/2006 Child Abuse/Domestic Violence Protocol (2013) Protocol and Guidelines for Child Welfare Workers and School Personnel
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