

Taigh Sgoile na Drochaide – Handling Incidents of Alleged Abuse

Revision: 1

Effective date: 2021-Aug-08

I. PRINCIPLES

Taigh Sgoile na Drochaide is committed to:

- o Protecting students from, and informing them of their rights and responsibilities with respect to, all forms of child abuse.
- o Ensuring that all school community members, including employees, understand their rights, roles and responsibilities with respect to students.
- o Ensuring that all school community members are diligent in not placing themselves in situations that can be viewed as placing students at risk.

II. POLICY FRAMEWORK

Taigh Sgoile na Drochaide is committed to ensuring the Handling Incidents of Alleged Abuse Policy is written in accordance with the following:

- o Nova Scotia Education Act
- o Nova Scotia Children and Family Services Act
- o POL-0010 Abuse Prevention Policy

III. AUTHORIZATION

The Board of Directors is authorized to develop and implement procedures in support of this policy.

IV. POLICY REVIEW

This policy is reviewed every 5 years or on as needed basis.

V. PROCEDURES

1. GENERAL PROCEDURES

1.1 Taigh Sgoile na Drochaide recognizes its responsibility to ensure that students are protected from abuse and neglect in any form while at school and/or under the supervision of school employees.

1.2 In deciding to report an incident or situation or suspected abuse or neglect of a child, it is not a requirement that the person making the report has proof that abuse has occurred. This is for the child welfare agency and the courts to determine. Any uncertainty in deciding to report a suspicion should be resolved in favour of the child.

1.3 Taigh Sgoile na Drochaide shall undertake to ensure that all employees and volunteers are provided with information that will enable them to carry out their legal responsibility to report suspected child abuse and neglect.

1.4 Where an employee is alleged to be a perpetrator, the Chair of the Board of Governors must be notified in addition to notifying the appropriate agency. If an agency determines that the referral warrants investigation, it will advise and meet with the

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Chair of the Board of Governors to determine the immediate actions that may need to be taken by the school.

- 1.5 Taigh Sgoile na Drochaide acknowledges that child protection workers have authority under the Children and Family Services Act to interview students at a school without the prior knowledge and/or consent of parent(s)/guardian(s).
- 1.6 All parties – the Board of Governors and the Department of Community Services will ensure that all records created as a result of actions pursuant to the Board’s policy are shared in a timely fashion.
- 1.7 Records received by Taigh Sgoile na Drochaide as a result of actions pursuant to this policy are to be treated in a confidential manner, as personnel records are treated. This principle applies to records involving employees, volunteers and students.
- 1.8 Records of a complaint will be held in a separate file, that is, not in one or more personnel files, until the investigation is complete, and decisions are made on appropriate action, if any.

2. BOARD AND SCHOOL STAFF RESPONSIBILITIES:

- 2.1 Staff and volunteers of Taigh Sgoile na Drochaide who have reason to believe that a student is being abused or neglected are obligated under the Children and Family Services Act and must report that information to the local office of the Department of Community Services.
- 2.2 Staff and/or volunteers who have reported suspected incidents to the appropriate agency should then inform the Chair of Board of Governors when appropriate that they have made an abuse or neglect report, but not the details of the report.
- 2.3 Staff and/or volunteers who report suspected incidents of abuse and neglect must not inform parent(s)/guardian(s) of their action. The decision to inform and investigate lies with the Department of Community Services.
- 2.4 If a suspected offender is an employee Taigh Sgoile na Drochaide, the person having information must report this to the Department of Community Services and then inform the Chair of the Board of Governors of the report, but not the substance or details of the reported information.
- 2.5 If a parent/guardian contacts the school objecting to the school’s permitting the child protection worker to have access to their child, the Chair of the Board of Governors (or designate) should indicate that it is their legal obligation to co-operate with the child protection worker.

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2.6 The Chair of the Board of Governors shall assist child protection workers by providing an appropriate interview space and discreetly arranging for the student to be interviewed.

2.7 A child protection worker may request that a staff member be present during an interview to offer support to the student.

2.8 The Chair of the Board of Governors (or designate) must direct a parent/guardian to the Department of Community Services if the parent/guardian is requesting information regarding the report or interview.

2.9 School administrators will ensure that school volunteers are fully informed of their rights, roles and responsibilities with respect to students.

3. PARENT(S) / GUARDIAN(S) RESPONSIBILITIES:

3.1 Parents/guardians shall contact the Department of Community Services if they have an objection to the school providing the child protection worker with access to their child.

3.2 Parents/guardians shall approach the Department of Community Services if requesting information regarding the report or interview.

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DEFINITIONS

As defined in the Nova Scotia Children and Family Services Act;

Child - a child is defined in the Nova Scotia Child and Family Services Act as anyone under the age of 16.

Child is in need of protective services – a child in need of protective services is defined in the Child and Family Services Act where:

- a. the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;
- b. there is a substantial risk that the child will suffer physical harm inflicted or caused as described in (a) above;
- c. the child has been sexually abused by a parent or guardian of a child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;
- d. there is a substantial risk that the child will be sexually abused as described in (c) above;
- e. a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guardian does not provide, or refuses or is unavailable or is unable to consent to, the treatment.

Abuse by a person other than a parent or guardian (“third party”) means that a child:

- a. has suffered physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately;
- b. has been sexually abused by a person other than a parent or guardian or by another person where the person, not being a parent or guardian, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child;
- c. has suffered serious emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour, caused by the intentional conduct of a person other than a parent or guardian.

Duty to report - Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall immediately report that information to the Department of Community Services.

Duty of professionals and officials to report - Notwithstanding any other Act, every person who performs professional or official duties with respect to a child - including but not limited to a teacher, school principal, social worker, family counselor, member of the clergy, operator or employee of a day-care facility - who, in the course of that persons professional or official duties, has reasonable grounds to suspect that a child is or may be

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suffering or may have suffered abuse shall immediately report the suspicion and the information upon which it is based to an agency. This requirement applies whether or not the information reported is confidential or privileged.

Duty to report third-party abuse - Every person who has information, whether or not it is confidential or privileged, indicating that a child is or may be suffering or may have suffered abuse by a person other than a parent or guardian shall immediately report the information to an agency.

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Department of Community Services; Child Welfare Contact Information

Eastern Regional Office

Suite 25, Provincial Building
360 Prince Street
Sydney, Nova Scotia
B1P 5L1
Phone: 902-563-3302
Fax: 902-563-5693

Port Hawkesbury District Office

Unit #3, Provincial Bldg.
MacSween Street
Port Hawkesbury, Nova Scotia
B9A 2J9
Phone: 902-625-0660
Fax: 902-625-4021

Port Hood Sub-Office

PO Box 68, 86 High Road
Port Hood, NS BOE 2W0
Phone: 902-787-4000
Fax: 902-787-4010

Sydney District Office

Provincial Building
360 Prince Street
Sydney, Nova Scotia B1P 5L1
Phone: 902-563-3300
Fax: 902-563-0516

The Children and Family Services Act is available at:

<https://nslegislature.ca/sites/default/files/legc/statutes/children%20and%20family%20services.pdf>

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Revision History & Approval

Revision	Date	Approved by
1	2021-Aug-08	Kenneth MacKenzie