

## REGULATION 5140.1

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### CHILD ABUSE

#### I. Definitions

For the purposes of these Regulations and in keeping with *The B.C. Handbook for Action on Child Abuse and Neglect* (2007)<sup>1</sup>, the following working definitions are used. Detailed definitions can be found in the Criminal Code of Canada.

**Child:** A person under 19 years of age.

**Abuse** means sexual, physical, or emotional abuse.

**Sexual Abuse:**

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

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.

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<sup>1</sup> ([http://www.mcf.gov.bc.ca/child\\_protection/pdf/handbook\\_action\\_child\\_abuse.pdf](http://www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf))

Sexual activity between children or youth may constitute sexual abuse if the difference in age or power between the children 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 not a significant difference in age or power between the children. Sexually inappropriate activity can occur between children of the same age. For a description of inappropriate sexual behaviour between children refer to pages 6, 24 and 25 in the *Responding to Children's Problem Sexual Behaviour in Elementary Schools Manual*<sup>2</sup>.

### **Sexual Harassment:**

Sexual harassment usually consists of a pattern in which a person is annoyed, troubled, or frightened by another's sexual or gender-based language, sexual threats, or promises. Sexual harassment between students can take the form of threatening sexual behaviour, aggressive sexual comments, or use of sexual language where it is not appropriate.

### **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 themselves or others.

### **Emotional Abuse:**

Acts or omissions by those in contact with a child, that are likely to have serious, negative emotional impacts.

Emotional abuse may range from scapegoating, rejection, verbal attacks on the child, threats, insults, and humiliation.

### **Emotional Harm:**

When emotional abuse is chronic and persistent, it can result in emotional harm to the child.

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<sup>2</sup> (<http://www.bced.gov.bc.ca/sco/resourcedocs/probsexbehave.pdf>)

## **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.

## **II. Role and Responsibilities of Employees of the Board**

On an annual basis, Principals will review with staff the:

- Policy and Regulation 5140.1
- Procedures for reporting suspected abuse as outlined in the *B.C. Handbook for Action on Child Abuse and Neglect*
- *Responding to Children's Problem Sexual Behaviour in Elementary Schools*
- Manual  
*Safe, Caring, and Orderly Schools - A Guide*

All employees share responsibility for increasing their own awareness and knowledge of:

- The incidence and identification of child abuse.
- Their legal duty to report any reasonable grounds for suspecting a case of abuse to the Ministry of Children and Family Development as outlined in the *Child, Family and Community Service Act (CFCSA s.13, s.14)*.
- The appropriate procedures to follow when reporting suspected cases as outlined in the *Child, Family and Community Service Act (CFCSA Part 3: Division 1)* and in the *B.C. Handbook for Action on Child Abuse and Neglect*.

## **III. Educational Programs for Protection of Children**

The Board recognizes the need to implement and maintain prevention/awareness programs for both students and personnel.

The District shall provide Ministry of Education approved personal safety programs to educate students, staff and parents/guardians on protecting children from abuse.

The School District shall assist employees in becoming more aware of their responsibility regarding proper identification and reporting procedures as outlined in *The B.C. Handbook for Action on Child Abuse and Neglect and Responding to Children's Problem Sexual Behaviour in Elementary Schools*.

#### **IV. District Employees Suspected of Child Abuse**

Employees who have reasonable grounds to suspect that another employee, volunteer or contract service provider has abused a student must report the incident or information to the Principal or Superintendent. The Principal must immediately report such information to the Superintendent. The Superintendent must report the matter to the Police. The Superintendent will work with the police in investigating the matter.<sup>3</sup>

#### **V. Inappropriate Student Sexual Behaviour**

##### **A. Responding**

Abusive behaviour between children, including sexual behaviour, generally involves an imbalance of power. For example, one child may be significantly older than the other, or one of the children may be more vulnerable for other reasons.

This kind of behaviour has many different causes<sup>3</sup> and occurs along a continuum of severity. Responses to the children's behaviour will therefore vary.

##### Student under 14 years of age:

If a behaviour in reference to the *Responding to Children's Problem Sexual Behaviour in Elementary Schools* manual is categorized as level 2 "cause for concern" or level 3 "cause for serious concern", the principal must inform a

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<sup>3</sup> Reporting procedures are outlined in the *B.C. Handbook for Action on Child Abuse and Neglect*.  
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Deputy/ Associate Superintendent and follow the Principal's Checklist (attachment 4).

Student 14 years and over:

The principal must contact a Deputy/ Associate Superintendent and follow the Principal's Checklist (attachment 4).

**B. Guidelines for Documentation**

An incident of inappropriate sexual behaviour by a student (K-12) should be documented and the documentation placed in the student's confidential green file located in the principal's office. Notification by the principal should be placed in the regular student file indicating that there is a green file (attachment #1).

The green file will be removed once the Safety and Support Plan is no longer necessary (see section C, *Green File, Closing a File*).

**Incident**

- Factual Description: date, time, names of students, name(s) of staff person(s) who witnessed the incident or to whom it was reported and statement of what occurred.

**Immediate Response**

- What was done immediately -
  - for the victim/s?
  - for the offender?
- What was the intervention?
- How was the safety of other students ensured?
- Were all parents/guardians contacted? What was said?

## **Consultation and Reporting**

- Who was contacted and/or consulted concerning the incident?
- When was the Ministry for Children and Family Development notified?
- Were the police informed?
- Were Mental Health professionals contacted?

## **Management of the Student at School - Safety and Support Plan**

- An immediate interim Safety Plan is established.
- The full Safety and Support Plan is developed within four school days (see C. below).
- Determine when the Safety and Support Plan will be evaluated/reviewed.

### **C. Guidelines for Developing a Safety and Support Plan**

The purpose of a Safety and Support Plan is to provide appropriate external controls to assist a student in controlling their sexual behaviour, and to protect other students (attachment #2).

While confidentiality is always important, the school's priority must be the safety of all the children. Teachers who teach the child should be involved in the development of the Safety and Support Plan. Educational personnel who are in contact with the student, such as Educational Assistants, Supervision Assistants, Teachers on Call, will also need to follow the Safety and Support Plan. The principal will ensure that information is shared with the appropriate parties.

### **Elements of a Safety and Support Plan**

The extent and specifics of the Plan should be geared to the needs of the individual student and the school. A Safety and Support Plan should include but is not limited to the following:

- Communication with the Case Manager
- Supervision of the student before school, during recess and lunch, and after school
- Specific school ground boundaries for the student
- Procedures for the student to check in with a designated adult throughout the day
- Supervision of student's use of washroom
- Consequences for the student for subsequent, inappropriate sexual behaviours
- Role of student's parent/guardian in implementing the Plan
- Sharing of information
- Assessment of future risk
- An implementation schedule, including a series of review meetings (this could be part of the School-Based Team meetings)

### **The Safety and Support Plan Team**

The Safety and Support Plan Team is responsible for establishing, implementing, monitoring, and concluding the Plan. School personnel must include:

- Principal (who is the Case Manager)
- District Behaviour Consultant (Special Education Department) and may include:

- Vice-Principal
- Counsellor or Aboriginal Nations Counsellor
- Classroom Teacher
- Learning Assistance or Resource Teacher
- Youth and Family Counsellor
- School District Staff
- Police Officer

Consultation with professionals outside the school system as well as family members may be needed.

Once the Safety and Support Plan is in place, follow-up meetings need to be scheduled to assess the success of the Plan, the need for modification, and eventually to determine when it is no longer needed.

## Green File

Contents of the green file:

- The Safety and Support Plan
- Documentation of the incidents
- Documentation of interviews, telephone conversations, events
- Notes

Access:

Access is restricted to members of the Safety and Support Team and other staff specifically authorized by the principal. Parents/guardians can request access through the Freedom of Information and Privacy Act.

Review:

The green file is reviewed annually by the District Behaviour Consultant in consultation with the principal.

Closing a File:

A Deputy/ Associate Superintendent or designate can either close a green file or have the student assessed by a Registered Psychologist or Child Psychiatrist who specializes in this area and who believes that a Safety and Support Plan is no longer necessary.

When a Safety and Support Plan is no longer needed, the District Behaviour Consultant will close the file and transfer the green file to the school district archives and a letter will be placed in the regular student file indicating that a green file is archived at the Tolmie Building.

When a student moves or transfers

- within School District #61, the principal will
  - ◆ immediately inform the receiving principal and the District Behaviour Consultant; ◆
  - confidentially transfer the green file.
- to another school district, the principal will
  - ◆ immediately inform the receiving principal and the District

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- Behaviour Consultant; ♦ place a copy of the Safety and Support Plan in a sealed confidential envelope in the student's file;
- ♦ transfer the student file to the receiving principal.

The green file is then archived (see section C, *Green File, Closing a File*).

Before a principal leaves a school, it is his/her responsibility to review green files with the incoming principal.

#### **D. Responsibilities of the School Staff When Dealing with a Level 2 or 3 Problem Sexual Behaviour**

When problem sexual behaviour is observed, alleged, or reported (regardless of time and place), all school staff members are responsible for:

- the initial intervention, which could include stopping the behaviour, talking to the student(s), documenting the incident reporting the
- incident(s) to MCFD informing the principal
- 

#### **The Principal will:**

- Receive information from staff, parents/guardians or students concerning alleged problem sexual behaviour by student(s)
- Contact a Deputy/ Associate Superintendent immediately after MCFD has been informed
- In consultation with MCFD and the Deputy/ Associate Superintendent, contact the police and obtain a case number
- Contact or meet with all parents/guardians (unless directed otherwise by MCFD)
- Inform and direct school counsellors
- Initiate, convene and chair the Safety and Support Team (this could be done through the School-Based Team)
- Assume the role of Case Manager
- Ensure appropriate support for the student(s) mistreated (attachment #3)
- Ensure appropriate support for the offender (attachment #2)
- Involve the District Behaviour Consultant
- Lead in the development, implementation, and monitoring of the

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- Safety and Support Plan and green file
- Store documentation in a green file in the principal's office
- Work together with a Deputy/ Associate Superintendent to ensure the Risk Management Branch is notified and the form is completed
- Use the check list (attachment #4)
- Ensure that the Vice-Principal or Teacher-in-Charge is aware of the contents of the Safety and Support Plan
- Be responsible for the transition of the student to another school

After contacting a Deputy/ Associate Superintendent, the principal may also:

- Follow up with students to gather further information or provide support while balancing the need to avoid repetitive interviewing Consult or direct others to consult with other agencies (Mental Health) or professionals (psychologists, psychiatrists)

**References:**

*B.C. Handbook for Action on Child Abuse and Neglect*  
*Criminal Code of Canada: R.S.C., 1985, c. C-46 (Section 718.01)*  
*Child, Family and Community Service Act (CFCSA)*  
 Health and Career Education Integrated Resource Package *Responding to Children's Problem Sexual Behavior in Elementary Schools*  
*Safe, Caring and Orderly Schools: A Guide*  
*School Act*  
*Youth Criminal Justice Act (Section c. 1)*

*Greater Victoria School District*

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- Adopted: May 25, 1987
  - Revised: October 22, 1990
  - Revised: November 23, 1992
  - Revised: November 8, 2006 and Renumbered from 5140
  - Updated: July 16, 2007 (due to changes in the BC Handbook for Action on Child Abuse and Neglect)
  - Revised: March 24, 2009
  - Revised: April 2, 2013
  - Revised: March 11, 2019

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Attachment 1



CONFIDENTIAL DOCUMENTS

Student's Name:

DOB:

Confidential Information and/or  
Reports/Plans have been  
placed in a  
Green File in a secure location in  
the Principal's Office.

**Access to the file is on a need to know basis only.**

Today's Date:

Principal:  
(Please Print)  
**Attachment 2**  
(page 1)

**Safety and Support Plan**  
Greater Victoria School District # 61  
**Date:** \_\_\_\_\_

**Attachment 2**

**A. Safety Plan**

<b>Student:</b>	<b>DOB:</b>
<b>School:</b>	<b>Case Manager:</b>
<b>Date of Plan:</b>	<b>Date of Review(s):</b>

**Summary:**

**Process for accessing support to supervise student:**

**Attachment 2**

(page 2)

**TEAM Members to respond:**

<b>Name</b>	<b>Position</b>

	Principal, Case Manager

**(Principal's Name) to advise School Personnel as  
 appropriate Attachment 2**

(page 3)

**1. Response Plan:**

**To and From School:**

Drop Off:

Pick Up:

**Transitions in School Community:**

Visual supervision of (student name) by a designated adult, as outlined below, is to be maintained; a visual is to be maintained of

## Attachment 2

(student name) at school by either direct accompaniment or visual supervision.

Washroom Usage:

Change Room Usage:

Break Time: (Playground/School grounds)

Lunch Time: (Playground/School grounds)

(page 4)

Field Trips:

AWOL:

1. Supervising adult to retrace (student's name) steps
2. If not located quickly, Team members to be accessed
3. Assessment of situation
4. TEAM members deployed to check various locations within the school and vicinity
5. (Parent/guardian's name), Parent/Guardian, notified immediately

**\*Refer to Greater Victoria School District Regulation 5140.1, Section V.** The BC Handbook for Action on Child Abuse and Neglect (Ministry of Children and Families, 2007) for guidelines on responding to allegation of abusive behaviour of a student twelve years of age and under and “**Responding to Children’s Problem Sexual Behaviour in Elementary Schools**”, (Ministry of Education, 1999).

**Attachment 2**  
(page 5)

**2. Plan for Responding to Subsequent Inappropriate Sexual Behaviour:**

**Communication Roles in Response to Behaviour:**

Name	Role	Contact Number(s)	By Whom
	Case Manager/ Principal		Staff Member
	Deputy/ Associate Superintendent		Case Manager/ Principal
	District Behaviour Consultant		Case Manager/ Principal
	Parent/Guardian		Case Manager/ Principal
	Outside Agency		Case Manager/ Principal

## Attachment 2

### 3. Follow-Up Plan:

- Regular meetings to be scheduled
- Phone calls for additional communication between regular scheduled meetings
- See Safety and Support Plan

(page 6)

### 4. Additional Information:

1. *Sharing of plan as appropriate given confidentiality issues.*
2. Teacher TOC file to contain alert for TOC to speak to (Principal's Name), Principal
  - a. Office Staff also to direct TOC to speak to Principal.
3. If designated supervising adult (Student Supervisor/EA) is absent, Office Staff to advise (Principal's Name), Principal and an alternate school-based Student Supervisor/EA will supervise (Student's Name).
4. Store documentation in a green file in the Principal's office (locked drawer) A note indicating confidential information is placed in the student's permanent file

Submitted by District Behaviour Consultant Name:

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**\*Refer to Greater Victoria School District Regulation 5140.1, Section V.** The BC Handbook for Action on Child Abuse and Neglect (Ministry of Children and Families, 2007) for guidelines on responding to allegation of abusive behaviour



of a student twelve years of age and under and “**Responding to Children’s Problem Sexual Behaviour in Elementary Schools**”, (Ministry of Education, 1999).

**Attachment 2**

(page 7)

**B. Support Plan**

*Meeting Date:*

*Present:*

*Discussion:*

*Behaviour Management Strategies:* (inc. reinforcing appropriate behaviour)

*Plan for involving Student in positive supervised activities with Peers:*

## Attachment 2

Next School TEAM meeting date -

- Ongoing meetings to determine risk levels, plan changes or modifications (page 8)

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Principal

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Teacher

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District Behaviour Consultant

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Cc: School  
Deputy/ Associate Superintendent  
Parent/Guardian  
Outside Agency

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**Attachment 3**

**Support Plan for the Student Mistreated\***

<b>Student:</b>	<b>DOB:</b>
<b>School:</b>	<b>Case Manager: Principal</b>
<b>Review Date(s):</b>	

Date:

Developed in conjunction with (including Principal, Parent/Guardian, Counsellor(s))

Support Offered:

Support Provided:

Classroom Intervention/Support:

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## Attachment 2

\* Only place in Offender's Green File (located in the Principal's Office)

Refer to "Responding to Children's Problem Sexual Behaviour in Elementary Schools", pages 35 - 37, Ministry of Education, 1999.

Responding to Problem Sexual Behaviours  
Principal's Checklist\*

All incidents of problem sexual behaviour observed, alleged or reported (regardless of time and place) must be reported to the School Principal.

1. School Principal:

- Principal ensures contact with MCFD has occurred
- Name of Staff who made MCFD report \_\_\_\_\_
- Principal contacts Deputy/ Associate Superintendent \_\_\_\_\_ (name)

Principal reviews Regulation 5140.1

- Principal assumes Case Manager role  Principal contacts Police in consultation with MCFD and the Deputy/ Associate Superintendent
- Principal contacts Parents/Guardians of students involved (unless otherwise directed)

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- Principal contacts District Behavioural Consultant
  - Principal informs and directs appropriate Staff members   
Principal completes Risk Management Branch form with Deputy/ Associate Superintendent
  - Principal chairs Safety and Support Team

2. Incident Documentation:

Factual Description: Date, time, names of students, name(s) of staff person(s), who witnessed the incident or to whom it was reported and statement of what occurred

3. **Response:**

- Recorded what was done immediately following incident
- Recorded intervention
- Ensured safety of others (appropriate support)
- Contacted or met with Parents/Guardians and what was said recorded (as per MCFD directions)

**Attachment 4**

(page 2)

3. **Safety and Support Plan:**  District Behaviour Consultant facilitates Safety and Support Plan development with Principal and school support team

- Date of Safety and Support Plan development  
\_\_\_\_\_
- Information on a need to know basis
- Supervision of student
  - Before school (drop off), during recess and lunch, after school (pick up)
  - Check-in with designated adult (as appropriate)
  - Transitions within school community
  - Washroom Usage
  - Playground boundaries
  - Field trips
- Parent/Guardian's role
- Community support services role  Consequences for plan breach by student
- Follow-up review meetings  Assessment of future risk

4. **Documentation Protocol:**

- Level 2 - 3 Documentation of incident
- Green File developed and placed in Principal's Office
- Notification on District Template of Confidential Documents placed in regular student file

\* Only place in Offender's Green File (located in the Principal's Office)

\***Refer to Greater Victoria School District Regulation 5140.1, Section V. The BC Handbook for Action on Child Abuse and Neglect ( Ministry of Children and Families, 2007) for guidelines on responding to allegations of abusive behaviour of a student and "Responding to Children's Problem Sexual Behaviour in Elementary Schools", (Ministry of Education, 1999).**