

Provincial Policy for Interviewing Children by Child Protection Social Workers in Public Schools

Effective Date: August 2016. To ensure you are accessing up-to-date information, please refer to the online version of this policy at ednet.ns.ca/document-depot.

1. Policy Statement

Child protection agencies of the Department of Community Services are solely responsible for investigating reports that a child may be abused or neglected, including the decision of when and where to interview a child and when to inform the child's parent/guardian of the interview. The Provincial Policy for Interviewing Children by Child Protection Social Workers in Public Schools outlines the roles and responsibilities of school community members in protecting the emotional and physical well-being of children.

2. Definitions

"Agency/agencies" is defined as child protection agencies of the Department of Community Services.

"Child" is defined as a child less than sixteen years of age, or as the context otherwise requires.

"Child Protection Social Worker" is defined as a social worker employed by an agency in the Province of Nova Scotia.

"Parent/guardian" is defined, for the purposes of this policy, as in the Children and Family Services Act and means:

- (i) the mother of the child,
- (ii) the father of the child where the child is a legitimate or legitimated child,
- (iii) an individual having the custody of the child,
- (iv) an individual residing with and having the care of the child,
- (v) a step-parent,
- (vi) an individual who, under a written agreement or a court order, is required to provide support for the child or has a right of access to the child,
- (vii) an individual who has acknowledged paternity of the child and who
 - (A) has an application before a court respecting custody or access or against whom there is an application before a court for support for the child at the time proceedings are commenced pursuant to this Act, or
 - (B) is providing support or exercising access to the child at the time proceedings are commenced pursuant to this Act,

but does not include a foster parent

"School community member" is defined as any adult who interacts with a child in a school setting in any capacity. A school community member includes, but is not limited to, principals, teachers, administrative staff, coaches, teacher assistants, custodial staff, and volunteers.

3. Statement of Principles

- All children have the right to live free from abuse and neglect.
- Protecting the emotional and physical well-being of children is of paramount importance.
- A cooperative and collaborative relationship between a school and agency/agencies is required when responding to the suspected abuse or neglect of a child.
- The child's right to be free from abuse and neglect supersedes concerns with respect to confidentiality or the wishes of the child's parent/guardian.

4. Policy Objective

The objective of this policy is to ensure a cooperative and collaborative relationship exists between school boards and child protection agencies of the Department of Community Services when responding to the suspected abuse or neglect of a child.

5. Application

This policy applies to all school boards in the province of Nova Scotia and school community members, who are required to comply with the Children and Family Services Act.

6. Policy Directives

A. Duty to Report

Every person in Nova Scotia has a duty to report to an agency, under the Children and Family Services Act, when they have information indicating that a child is in need of protective services. This would include all school community members as defined in this policy.

Under the Children and Family Services Act,

- Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services will report that information to an agency (Section 23(1)).
- There will be no action against a person reporting information pursuant to the Children and Family Services Act, unless the reporting of that information is done falsely and maliciously (Section 24(5)).
- Every person who performs professional or official duties with respect to a child (e.g., a teacher, school principal) who in the course of that person's professional or official duties, has reasonable grounds to suspect that a child is or may be suffering, or may have suffered abuse, will report the suspicion and the information upon which it is based to an agency (Section 24(2)(e)).

If a school community member has reasonable grounds to suspect that a child is or may be the victim of abuse or neglect, they must immediately report this information to an agency.

B. Interviewing Procedures

In the event it is deemed necessary for a child protection social worker to interview a child in a public school, the following interview procedures will be followed:

The **child protection social worker** will

- make contact with the principal, or designate, when entering a school and inform the principal or designate that they are there to conduct an interview with a child
- provide identification confirming their employment with an agency prior to contact with the child
- provide contact information to the principal, or designate, in order for the principal to provide this information in response to a parent/guardian's request for information
- contact the parent/guardian of the child being interviewed as soon as possible as outlined in legislation

Refer to Appendix A: Practice Directive for Interviewing Children for detailed interview procedures.

The **school principal**, or their designate, will

- require the child protection social worker to provide identification confirming their employment with an agency before allowing contact with the child
- assist the child protection social worker by
 - providing a private and comfortable interview space, free from distractions, for the child and child protection social worker
 - bringing the child to the interview space
 - providing additional supports for the child as necessary and available (e.g., translator, assistive technology)
 - if invited by the child protection social worker, offering support to the child during the interview process
- direct the parent/guardian of children interviewed to the child protection social worker if the parent/guardian is requesting information about the interview
- keep confidential any information learned during the reporting and interviewing process

Refer to Appendix B: Protocol for School Principals once they have been notified that a child protection social worker has deemed it necessary to interview a child at school.

School community members will not:

- Interfere with a child being interviewed by the child protection social worker in any way, including
 - refusing to produce the child
 - requiring the consent of the child’s parent/guardian to allow the child protection social worker access to the child
 - requiring that the child protection social worker provide information about why the child is being interviewed
 - questioning the child about their interview with the child protection social worker
 - questioning the child about suspected abuse or neglect
- Inform any person, including the child or the child’s parent/guardian that a report has been made to an agency. Informing any person that an agency has been notified may not be in the child’s best interest and may place the child at greater risk of harm.
- Inform any person, including the child or the child’s parent/guardian, of any response by an agency, including that a child has been interviewed on school property. Informing any person of agency actions may not be in the child’s best interest and may place the child at greater risk of harm.

7. Accountability

School community members

- are subject to requirements under the Children and Family Services Act related to “Duty to Report.”
- must immediately report to an agency any information that causes the school community member to have reasonable grounds to suspect that a child is being, or may be, abused or neglected. This duty exists regardless of any other law or principle of confidentiality.

Principals

- are responsible for compliance with the Provincial Policy for Interviewing Children by Child Protection Social Workers in Public Schools in their school.

School Boards

- are responsible for ensuring that all staff members are aware of their duty under the Children and Family Services Act to report any information that suggests a child may be abused or neglected.
- are responsible for ensuring all school community members adhere to the Provincial Policy for Interviewing Children by Child Protection Social Workers in Public Schools.

8. Monitoring

This policy will be reviewed every five years, and more frequently as circumstances require.



9. References

Nova Scotia. Education Act. 1995-1996. S.N.S. , ch. 1.
<http://nslegislature.ca/legc/statutes/education.pdf>.

Nova Scotia. Children and Family Services Act. S.N.S. 1990, ch. 5.
<http://nslegislature.ca/legc/statutes/childfam.htm>.

Appendix A:

Practice Directive for Interviewing Children

Department of Community Services

- 1) An agency of the Department of Community Services (the “agency”) is mandated by the Children and Family Services Act to protect children from harm and, where appropriate, to investigate reports that a child may be in need of protective services.
- 2) The agency, with the assistance of police where appropriate, is solely responsible for investigating reports that a child may be abused or neglected. This responsibility includes deciding when and where to interview a child, and when to inform the child’s parent/guardian of the child’s interview.
- 3) The agency is responsible for notifying a child’s parent/guardian when agency staff has contact with the child.
- 4) All actions taken by the agency during an investigation are to be undertaken in the child’s best interest, including considering the impact of interviewing a child at a school on the child’s ongoing educational and social/emotional needs.
- 5) The agency acknowledges its responsibility to ensure that all their staff are aware of the Provincial Policy for Interviewing Children by Child Protection Social Workers in Public Schools.

OVERVIEW

Any referral received by the Department of Community Services that results in an investigation will trigger the following process:

- a. The professional referral source will be acknowledged by the agency in writing.
- b. If the referral falls within the mandate of the agency, a priority response time and investigative plan will be developed by the social worker in consultation with their casework supervisor.

INTERVIEW PROCESS

Upon determining the need to interview a child in a public school the following process will be followed:

1. CONSENT

Seek consent of the child’s parent/guardian if appropriate.

- a. Will obtaining consent from the child’s parent/guardian prior to the interview impact the validity of the interview or place the child at risk? If so, then the interview may be conducted without the consent of the child’s parent/guardian.
- b. Where consent is to be obtained, the consent should be provided by the child’s primary caregiver where possible.
- c. Where the primary caregiver is unavailable, or where the primary caregiver is identified to be an alleged perpetrator, then consent may be obtained from another parent/guardian of the child.
- d. If a parent/guardian cannot be located within the time frame assigned for conducting the interview, the interview may occur without consent.

2. LOCATION OF THE INTERVIEW

Decide on an appropriate interview space for the child. The interview should be conducted in a space that will not impact the validity of the interview and will reduce any impact upon the child.

a. Third Party Care/Contact

If the child is in the care of a third party, decide whether the third party will be contacted prior to the interview. The third party should be contacted unless doing so will impact the validity of the interview or place the child at risk.

b. Interview at School

If a decision is made to interview a child on public school property,

- (i) before arriving at the school, contact the school principal or designate and advise them of the decision to interview the child on school property
- (ii) discuss with the principal or designate any special requests that may be required for the interview
- (iii) upon arriving at the school, provide identification to the principal or designate
- (iv) ensure the interview space is appropriate
- (v) request that the child be brought to the interview space by a third party (e.g., a member of the school community)
- (vi) take notes during the child's interview

3. Further Intervention

Only remove a child from school property if

- the child is taken into care pursuant to s. 33 of the Children and Family Services Act; or
- the child's parent/guardian has given permission.

4. Notify the Parent/Guardian

Where it was decided that

- a. obtaining consent from the child's parent/guardian prior to the interview would impact the validity of the interview or place the child at risk; or
 - b. a parent/guardian could not be located within the time frame assigned for conducting the interview
- notice of the interview will be given to the child's primary caregiver or other parent/guardian as soon as possible.

Interview without Parent/Guardian Consent

Please note: when a decision is made that obtaining consent for an interview from a child's parent/guardian will impact the validity of the interview or place the child at risk, the reasons for this decision **must** be recorded in Integrated Case Management (ICM) in the Risk Conference Minutes or Supervisory Consultation.

Appendix B: Protocol for School Principals

Principals are responsible for compliance with the Provincial Policy for Interviewing Children by Child Protection Social Workers in Public Schools.

Upon receiving notice that a child protection social worker has deemed it necessary to interview a child on school property, the following Protocol must be followed by the principal, or their designate:

- a. Require the child protection social worker to provide identification confirming their employment with an agency prior to allowing contact with the child.
- b. Confirm that the child protection social worker will contact the parent/guardian of the child being interviewed as soon as possible after the investigation.
- c. Obtain contact information from the child protection social worker.
- d. Provide a private and comfortable interview space, free from distractions, for the child and the child protection social worker.
- e. Bring the child to the interview space.
- f. Provide additional supports for the child as necessary and available (e.g., translator, assistive technology).
- g. If invited by the child protection social worker, offer support to the child during the interview process.
- h. If contacted by the parent/guardian of the child being interviewed for information, the principal will provide the contact information of the child protection social worker to the parent/guardian.
- i. Keep confidential any information learned during the reporting and interviewing process.