

## Administrative Procedure 354

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### ACCESS TO STUDENTS – CHILDREN’S SERVICES

#### Background

The investigation of child protection complaints is the responsibility of child welfare workers from the local Children’s Services Authority, who may, where appropriate, be assisted by police services.

Under the Child, Youth and Family Enhancement Act, Children’s Services workers have the same rights as parents for those children who are temporary or permanent wards of the government. Furthermore, Children’s Services workers and police officers have the authority to apprehend a child where there is sufficient reason to believe that the child is in need of protective services. In such cases, the Children’s Services Authority immediately assumes guardianship and other parental rights for the child (later confirmed or altered in Family Court).

Children’s Services workers are authorized to apprehend a child from school premises during the course of an investigation.

School authorities have a responsibility to cooperate with the police and other civilian authorities. They also have a responsibility to students to function “in loco parentis” (in the place of parents) during school hours. Occasionally, circumstances may develop where school officials are asked by certain authorities for permission to interrogate a student or search a locker, personal property or person.

Assistance with in-service programs aimed at increasing staff knowledge and awareness of child abuse may be obtained by contacting the appropriate Children’s Services Authority or the police.

School officials are expected to cooperate with child welfare and other appropriate civilian authorities in the execution of their duties.

#### Procedures

1. The Division strongly encourages investigating officers and officials to conduct their investigation without recourse to interviews with students in school, unless they deem such interviews to be essential to proper investigation.
2. No person except school personnel, the parent or legal guardian of the student, law enforcement officers or child welfare workers shall be permitted to interview a student on school premises.

### 3. Interview of Students by Children's Services Workers

- 3.1 When child welfare workers find it necessary to visit a school to interview a student, they shall report to the Principal, make known the nature of the investigation and indicate why the interview must be conducted at the school.
- 3.2 Interviews are to be permitted on the school premises for any investigation involving a suspected case of a child being in need of intervention services.
- 3.3 The Children's Services worker has the responsibility to involve/inform parents and legal guardians of any investigation involving students under eighteen years of age. The Principal must receive assurance that the parent/legal guardian has/will be informed. The Principal and Children's Services worker will discuss when the Children's Services worker will contact the parents.
- 3.4 The Principal or their designate must be present at any interview of a student as a silent observer. The Principal may explore with the Children's Services worker whether it is in the child's best interest that a familiar staff member sit in on the interview as a silent observer. If the Children's Services worker agrees, the Principal will consult the student to determine whether a familiar staff member will sit in on the interview.
- 3.5 The Principal or designate will bring the student to a private office where the interview will take place. Every attempt is to be made to minimize distractions for the child and disruptions to normal school operations.
- 3.6 In the event of disagreement between the Principal and authorities under the Child, Youth and Family Enhancement Act over interviewing students on school premises, the Principal shall consult with the Office of the Superintendent. The Principal may also wish to discuss the matter with the supervisor of the child welfare worker.

### 4. Custody

- 4.1 A worker may:
  - 4.1.1 Request to interview any student. Parental contact is not required and the interview may take place without witnesses;
  - 4.1.2 Take the student into custody at the school through temporary guardianship. This act is accomplished when the Children's Services worker touches the student (generally touches the shoulder) and declares that the student is being taken into custody. When such an act occurs, it is the responsibility of the Children's Services worker, not the Principal, to notify the parents(s); or

- 4.1.3 Remove a student who is the subject of a guardianship order from the school for any period of time. The only evidence the Principal may have that a student is a ward is the word of the Children’s Services worker. In this instance, the Principal shall require that the Children’s Services worker state in writing that the student is a ward, and shall retain a copy of the statement for whatever period of time he/she deems to be advisable.
- 4.2 No student, who is not a ward, is to be removed from the school for any length of time or for any purpose unless parental permission (preferably in writing) to do so has been obtained.

Reference: Education Act 11, 197, 222 Child, Youth and Family Enhancement Act Responding to Child Abuse – A Handbook (October 2005) Freedom of Information and Protection of Privacy Act		
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References shall be updated as required and do not require additional approval.