

VULNERABLE CHILDREN: LAW AND POLICY  
IN NOVA SCOTIA SCHOOL BOARDS

by

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Submitted in partial fulfilment of the requirements  
for the degree of Master of Arts in School Psychology

at

Mount Saint Vincent University  
Halifax, Nova Scotia  
April 2017

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## ABSTRACT

The Children and Family Services Act (1990) requires all professionals, who work with children, including teachers and other school personnel, to report suspected child abuse to a child protection agency. The Education Act (1995-1996) requires that public school boards within the province create policies aimed at protecting school community members from abuse and harassment. With these considerations, public school boards in Nova Scotia are responsible for creating their own policies, administrative procedures, and professional development on reporting child abuse, which may lead to inconsistencies in policy content across the province. Clearly outlined school board policies, however, can aid school personnel in making informed decisions about detecting and reporting suspected child abuse. This research presents an analysis of Nova Scotia public school board child abuse reporting policies and examines their alignment with federal and provincial legislation. All boards had established reporting child abuse policies, but the information contained within the documents and the accuracy with which they reflect federal and provincial legislation varied across the province. Between boards, there was an inconsistent application of provincially legislated reporting guidelines and an absence of clear expectations with respect to training school personnel to report suspected child abuse. Policy recommendations are proposed and areas of future study are suggested based on the findings.



## CHAPTER ONE: LITERATURE REVIEW

### **Legislative Overview**

For over two centuries, federal and provincial child protection legislation in Canada has been proposed, created, and amended in response to changes in public opinion and to government priorities (Brade, 2007). The following is a brief overview of legislation that has had and continues to have significant influence over child protection in Canada and in the province of Nova Scotia.

#### **British North America Act and Constitution Act**

The British North America Act, 1867, was passed by British Parliament on July 1, 1867 (Stanley, 1969). The Act unified New Brunswick, Nova Scotia, Canada West (Ontario), and Canada East (Quebec) and created a self-governing federation: the Dominion of Canada (Stanley, 1969). The British North America Act, 1867 established the federation's allocation of responsibilities and authority for each level of government (Stanley, 1969).

The British North America Act, 1867 also set out the Canadian constitution. When the British North America Act, 1867 was brought to Canada, it was renamed the Constitution Act, 1867 (Johnson, 2006). The Constitution Act, 1867 was a constitutional agreement signed by the federal government and all provincial governments (except Quebec) that gave rise to the patriation of the constitution, the establishment of a constitutional amending formula, and the addition of the Canadian Charter of Rights and Freedoms (Johnson, 2006).

#### **Criminal Code of Canada**

Section 91(27) of the Constitution Act, 1867 indicates sole authority of Parliament over criminal law in Canada. Criminal Code of Canada, hereafter referred to as the Criminal Code or Code, is a federal statute that allows the federal government exclusive power to legislate criminal

offences in Canada (Criminal Code of Canada, 1985). The Criminal Code defines criminal offences, describes the nature and severity of punishments, and outlines criminal process procedures to be followed (Criminal Code of Canada, 1985). Though child abuse and neglect are arguably two of the most common forms of maltreatment affecting Canadian children in need of protection, the terms are not explicitly detailed as criminal offences within the Criminal Code. Many criminal offences that would be considered child abuse/neglect when perpetrated against a child are, however, expressly noted below.

**Assault.** The Criminal Code defines assault as when, without the consent of another person, an individual directly or indirectly applies intentional force to another person, tries or threatens by an act or a gesture to use force toward another person, hinders another person, or begs while openly sporting a weapon (or an imitation thereof; Criminal Code, 1985, s. 265 (1) (a)(b)(c)). Further, the Criminal Code details that the definition of assault also encompasses: sexual assault (with or without a weapon), threats, bodily harm, and aggravated sexual assault (Criminal Code, 1985, s. 265 (2)). These forms of assault found in the Criminal Code, when perpetrated against a child, are considered child abuse.

**Emotional abuse.** Although emotional abuse is not listed as a criminal offence within the Criminal Code, acts that could be considered emotional abuse are considered criminal offences. For example, to utter threats to cause bodily harm or death to a child, to destroy a child's personal property, and/or to kill or injure a child's pet are all established criminal offences (Criminal Code, 1985, s. 264.1 (1) (a) (b) (c)).

**Neglect.** Neglect is not expressly defined as an offence in the Criminal Code, though some forms of neglect are outlined as criminal offences. For example, cases of failure to provide the necessities of life and cases of abandonment are detailed in the Code. In terms of providing

the necessities of life for children under the age of 16 years, everyone is under legal obligation as a parent, foster parent, guardian, or head of a family to provide the necessities of life to a person under their care (Criminal Code, 1985, s. 215 (1) (a)). It is also considered a criminal offence if an individual responsible for the care of a child fails to provide the necessities of life to, endangers the life of, or permanently harms the health of the child (Criminal Code, 1985, s. 215 (2) (a) (b)). Moreover, abandoning or exposing a child, who is under 10 years of age, so that his/her health or life or wellbeing is (or is likely to be) in danger is considered a criminal offence (Criminal Code, 1985, s. 218 (a)(b)).

**Obligation to report.** Within the Criminal Code of Canada, there is no explicit duty or obligation to report a crime. A person may suspect that a criminal offence has been committed, however, that individual is not legally obligated to report it and cannot be convicted of an offence if they fail to report a crime. In Nova Scotia, the Children and Family Services Act (1990), however, legally mandates that individuals are obligated to report suspected child abuse and neglect to child protection agencies (Children and Family Services Act, 1990, c. 5, s. 23(1)).

### **Children and Family Services Act of Nova Scotia**

Section 92 (13) of the Constitution Act, 1867 provides Canada's provincial and territorial legislatures with exclusive authority to legislate civil and property rights. Matters of child protection and child welfare services fall under Section 92 (13), which accounts for differing child protection intervention legislation across Canada (Constitution Acts, 1867-1982, c. 6).

Children and Family Services Act of Nova Scotia is provincial legislative document that dictates the mandate for intervention by child welfare agencies. The Act (1990) details the basis

for which a child may be found to require and stipulates the grounds under which a child may be taken into care of protective services (Children and Family Services Act, 1990, c. 5).

**Children and Family Services Act and important definitions.** In legal, social, and academic realms the definitions and understanding of terminology vary. Terms such as abuse, assault, violence, neglect, harm, and maltreatment, for example, are often used interchangeably. Other times, the terms identified as distinct and separate. The term child is also interpreted differently depending on the context. With such variation in usage and understanding of terms relating to child abuse, there is the potential for central terms related to child abuse to be misconstrued. Considering this, the Children and Family Services Act (1990) outlines and clarifies important terms pertaining to child abuse reporting in Nova Scotia.

**Child.** Canadian jurisprudence provides differing age ranges when defining the term, child. The Youth Criminal Justice Act (2002), for example, defines a child as an individual who appears to be under the age of 12 years (Youth Criminal Justice Act, 2002, c. 1, s. 2(1)). The Act (2002) also describes a young person as an individual between the ages of 12 and 17 years (Youth Criminal Justice Act, 2002, c.1., s. 2(1)). The Criminal Code of Canada (1985) provides varying descriptions of a child, depending on the section. With this in mind, sections of the Criminal Code (1985) such as age of consent (c. C-46, s.; 16 years- with exceptions), child pornography (c. C-46, s. 163.1; under 18 years), corruption of a child (c. C-46, s. 172(1); person who is or appears to be under the age of 18 years), and duty of persons to provide the necessities of life (c. C-46, s. 215; under 16 years) detail various definitions of the term child. Most relevant, however, the Children and Family Services Act of Nova Scotia defines a child as a person under the age of 16 years (except if the context requires otherwise; Children and Family Services Act, 1990, c. 5, s. 3 (1) (e)).

***Abuse and neglect.*** Abuse and neglect are two terms used in the Children and Family Services Act (1990). Within the Children and Family Services Act (1990) document, abuse and neglect are presented as two separate, yet, related terms; neglect is not considered a form of abuse. Though the terms are used throughout the document, the Children and Family Services Act (1990) does not provide definitions of either abuse or neglect. Rather, the terms are situationally described within the context of the concept: child in need of protection.

***Child in need of protection.*** Per Section 22 (2) of the Act, a child is deemed to need protective services if he/she has suffered or if there is a substantial risk that he/she will suffer physical harm inflicted by his/her parent or guardian (Children and Family Services Act, 1990, c. 5, s. 22 (2) (a) (b)). A child is also considered to need protective services if he/she has been or is in substantial risk of being sexually abused by his/her parent/ guardian or by another person where a parent/guardian knows (or should know) of the possibility of sexual abuse but fails to protect the child (Children and Family Services Act, 1990, c. 5, s. 22 (2) (c) (d)). Section 22 of the Children and Family Services Act (1990) stipulates that a child requires protective services in situations where a child needs medical intervention to remedy, prevent, or reduce physical (and/or emotional) harm or suffering and where his/her parent/guardian does not, refuses to, is unable to, or is unavailable to provide/consent to medical treatment (c. 5, s. 22 (2) (e-g)). The Children and Family Services Act also indicates that a child requires state protection if he/she has a psycho-emotional or developmental condition that, if not remedied, through aid of his/her parents, could seriously hinder the child's development (Children and Family Services Act, 1990, c. 5, s. 22 (2) (h)). Moreover, a child is also determined to be in need of protection if he/she has suffered or is at substantial risk to suffer physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent/guardian, by chronic and serious neglect by a

parent/guardian, or by abandonment by a parent/guardian (Children and Family Services Act, 1990, c. 5, s. 22 (2) (i) (j) (k)). Lastly, a child under the age of twelve is considered to be in need of protective services if he/she has killed, seriously injured another person, or caused loss/damage to another person's property, due to the encouragement of his/her parent/guardian, due to his/her parent/guardian's inability to properly supervise him/her, and/or due to his/her parent/guardian's refusal to, inability to, unavailability to provide necessary services to prevent recurring undesirable behaviours (Children and Family Services Act, 1990, c. 5, s. 22 (2) (l) (m)).

***Duty to report.*** The Nova Scotia Children and Family Services Act (1990) clarifies when information of suspected child abuse ought to be reported to a child protection agency. In other words, it specifies duty-to-report procedures in the province. Specifically, it states that individuals whose professional duties place them in contact with children, such as school personnel, have a legal responsibility to immediately report suspected child abuse and the information upon which it is based to a child protection agency (1990, c. 5, s. 24(2)). The Act (1990) indicates that a report must be made by the individual who suspects the abuse (c 5, s. 24(4)). It also notes that suspicions of child abuse must be reported even if the information is confidential or privileged (Children and Family Services Act, 1990, c. 5, s. 24 (3)). Section 24 (5) details legal protection for those who make reports of suspected child abuse in good faith; the reports are not false and malicious (Children and Family Services Act, 1990, c. 5). Lastly, Section 24 (6) of the Children and Family Services Act (1990) states that every person who performs professional duties with respect to a child are obliged to report suspected abuse, otherwise, he/she is liable to a fine of up to \$5000 and/or to imprisonment for up to a year.

## **Education Act**

The Nova Scotia Education Act, 1995-1996 is a provincial legislative document that offers guidance to publicly funded school systems in Nova Scotia (c. 1, s. 2). Nova Scotia school boards are mandated to provide education programs and services to students in ways that allow them to nurture their potential and learn the skillset and attitudes required to contribute to a healthy society (Education Act, 1995-1996, c. 1, s. 2). The Education Act stipulates that individual school boards within the province of Nova Scotia shall promote their schools as safe, quality learning environments and as community resources (Education Act, 1995-1996, c. 1, s. 64 (2)(f)). Furthermore, the Act requires school boards in the province of Nova Scotia to establish policies that protect its students and school staff from abuse and harassment (Education Act, 1995-1996, c. 1, s. 64 (2) (t)). The Education Act also outlines duties that students, parents, teachers, and principals (amongst other school system roles) ought to fulfill to participate in programs and services that aim to help students develop into healthy, productive citizens.

**Duty of students.** To contribute to a safe, quality learning environment, it is the duty of students to partake in learning experiences, to regularly attend school, to respect the rights of others in the school, and to comply with discipline policies (Education Act, 1995-1996, c. 1, s. 24(1) (a)-(e)). Additionally, while under their teacher's supervision, students are answerable to their teachers for their school behaviour/conduct (Education Act, 1995-1996, c. 1, s. 24(2)).

**Duty of parents.** Per Section 25 of the Education Act, it is the duty of parents to support their children in achieving and to support their children's teachers in facilitating academic success ((1) (a) (e)). It is also the responsibility of parents to ensure that their children attend school ((b)) and to maintain regular communication with their children's school ((c)).

Additionally, parents must provide their children with basic life necessities (e.g., sending their children to school well-fed and well-rested; Education Act, 1995-96, c. 1, s. 25(1) (d)).

**Duty of teachers.** Teachers must take all reasonable steps required to establish and maintain a learning environment that is both safe and orderly (Education Act, 1995-96, c. 1, s. 26(1)). A safe and orderly school environment may be achieved by: keeping proper order and discipline in their teaching/work space, reporting unacceptable student conduct to the principal, maintaining/promoting an attitude of concern for the dignity and wellbeing of each student, attending to the safety and welfare of students, promoting and documenting student attendance, and maintaining communication with parents in compliance with established school board policies (Education Act, 1995-96, c. 1, s. 26(1) (a)-(r)).

**Duty of principals.** The responsibilities of a school principal are to ensure school programs and curricula are applied, to maintain accurate attendance records, to follow all reasonable steps to ensure full and regular school attendance, to maintain regular communication with parents of students, to oversee that reasonable steps are followed to make and preserve a safe, orderly, encouraging, and efficient learning environment, and to investigate reports of unacceptable student conduct wherein the well-being of a student is at risk (Education Act, 1995-96, c. 1, s. 38 (2) (a)-(e)). A principal must also make sure that provincial policies and school board policies are followed within the school (Education Act, 1995-96, c. 1, s. 38(2) (f)).

Although the Education Act (1995-1996) outlines the duties of valuable members of the school community, the ways in which children and school staff can be protected against abuse/harassment are not presented. Additionally, the ways in which safe, quality learning environments can be achieved are not specified.



## **Legal Summary**

In sum, the Criminal Code of Canada (1985) does not require individuals who suspect abuse and/or neglect to report it. The Nova Scotia Children and Family Services Act (1990), however, clearly outlines the legal responsibility of individuals within the province to report suspected child abuse and/or neglect to appropriate authorities. It specifies that individuals, who perform professional duties with respect to children and have reasonable grounds to suspect abuse and/or neglect of a child under the age of 16 years, must report it to proper authorities. The Children and Family Services Act (1990) expressly indicates teachers, principals, and other school employees as individuals who must report suspected child abuse/neglect. The Children and Family Services Act (1990) also details that the suspicion of child abuse/neglect must immediately be reported (along with the information it is based upon) to the proper agency, must be reported by the individual who suspects the abuse/neglect, must be reported despite being confidential or privileged, and must be reported in good faith (not falsely and maliciously). The Education Act (1995-1996) stipulates that all public school boards in Nova Scotia must promote safe, quality learning environments for children and create policies that protect its students and school staff from abuse and harassment.

Considering that the Children and Family Services Act (1990) requires all professionals, who work with children, including teachers and other school personnel, to report suspected child abuse to a child protection agency (c. 5, s. 24(2)(b)) and the Education Act requires that public school boards within the province create policies aimed at protecting school community members from abuse and harassment (Education Act, 1995-1996), public school boards in Nova Scotia are responsible for creating their own policies, administrative procedures, and professional development on reporting child abuse. Because each of Nova Scotia's school boards

are responsible for creating their own child abuse reporting policies, however, it is possible that reporting procedures and levels of support provided to school personnel about the policies vary across the province.

### **Context of Child Abuse in Canada**

In 2006, the United Nations published a report titled, *World Report on Violence Against Children*. The report indicated that the immediate environments in which children live and spend their time can affect their risk of victimization (United Nations, 2006). Canadian research pertaining to police-reported violence against children supports this claim, as findings show that violent crime against children is often perpetrated by someone known to the child (80% of the time; Public Health Agency of Canada, 2008). Further, 25% of reported violence against children in Canada was done by family member (i.e., a parent, sibling, extended family member; Public Health Agency of Canada, 2008).

In 2008, the Canadian Incidence Study of Reported Child Abuse and Neglect gathered data on incidents of suspected child abuse reported to and investigated by provincial and territorial child protection agencies. The study estimated that there were 235,842 child abuse cases investigated by child protection agencies in Canada in 2008. Of the investigated reports, 85,440 suspected reports were substantiated through investigation to have taken place, representing a rate of 14 substantiated investigations per 1,000 children aged 15 and younger (Public Health Agency of Canada, 2008). The study also found that the most common types of substantiated cases were child neglect (34%), exposure to intimate partner violence (34%) physical abuse (20%), emotional abuse (9%), and sexual abuse (3%) cases (Public Health Agency of Canada, 2008). In 2012-2013, 9,935 child protection referrals were made to child protection agencies in Nova Scotia (Nova Scotia Department of Community Services, n.d.). Of

the 9,935 referrals of suspected child abuse, 6,601 were investigated by child protection investigations (Nova Scotia Department of Community Services, n.d.). Five hundred and thirty-four of the 6,601 child protection investigations made in 2012-2013, led to a child being removed from the care of his/her parents/guardians and into out-of-home care, either under a Voluntary Care Agreement, a Temporary Care and Custody Agreement, a Special Needs Agreement or Specified Adoption Placements (Nova Scotia Department of Community Services, n.d.).

In 2003, the Canadian Centre for Justice Statistics collected data on violence against children through use of the Incident-based Uniform Crime Reporting survey (UCR2; Canadian Centre for Justice Statistics, 2005). Using data from 122 police services across Canada, which represented 61% of the national volume of crime, it was found that 71% of all police-reported cases of abuse were against children aged 12 to 17 years, 27% were against children aged three to 11 years, and 2% were against children under the age of three (Canadian Centre for Justice Statistics, 2005). Based on the UCR2 survey data, children accounted for a disproportionately large share of sexual abuse victims (61%) compared to physical abuse (24%; Canadian Centre for Justice Statistics, 2005).

Female children, in particular, were more likely to be victims of abuse than their male counterparts (Canadian Centre for Justice Statistics, 2005). In 2010, females were 37% more likely than males to be the victims of violent crime committed by their family members. Furthermore, females represented eight out of 10 sexual abuse committed against children in 2003 (Canadian Centre for Justice Statistics, 2005).

These statistics indicate that child abuse in Canada is a substantial public health concern. Research indicates that child abuse is a strong predictor of psychological maladjustment in youth

and with psychological, socio-emotional, and behavioural problems across the lifespan (Benjet, Borges, & Medina-Mora, 2010).

### **Maladaptive Outcomes of Child Abuse**

Child abuse can have damaging and lasting effects on children (Canadian Centre for Justice Statistics, 2005). Child abuse often affects a child's psychological, socio-emotional, cognitive, and behavioural development in ways that impede or impair his/her well-being and functioning throughout his/her life (Benjet, Borges, & Medina-Mora, 2010). Strong associations have been found between childhood abuse and symptoms of internalizing disorders such as depression (Chapman et al., 2004) and anxiety (Merskey et al. 2010) in emerging adulthood. Child abuse has also been linked to an increased risk for attempted suicide (Dube et al., 2001). Holmes and colleagues (2015) found an association between child physical abuse and elevated levels of aggressive behaviour. Further, Davidson and Omar (2014) noted that the effects of childhood sexual abuse can include depression, sleep problems, eating disorders, stigmatization, low self-esteem, trouble forming interpersonal relationships, re-victimization, substance abuse and suicidal behaviour. Children who are victims of abuse also encounter problems in school (Slade & Wissow, 2007). Such children tend to obtain lower grades, have poor attendance, demonstrate behavioural problems (Leiter & Johnsen, 1997), and show lower school commitment, generally (Slade & Wissow, 2007).

### **Factors that Contribute to Adaptive Outcomes**

Ladd and Burgess (2001) defined protective factors of child abuse as characteristics of a person's behaviour or relationships that reduce the likelihood of dysfunction. Howell and Miller-Graff (2014) described spirituality and emotional intelligence as factors that can contribute to successful functioning in victims of child abuse. The Centers for Disease Control and Prevention

established safe, secure, nurturing relationships (SSNR) as vital components in the prevention of maladaptive outcomes for victims of abuse across the lifespan (2014). The Centers for Disease Control and Prevention emphasized that these relationships are both stable and predictable, which promotes feelings of safety and security in child victims of abuse (2014). Ample social support has consistently been linked to decreased loneliness (Mattanah et al., 2010), improved transitions into college (Mattanah et al., 2010), and fewer problems with adjustment (Pettit, Erath, Lansford, Dodge, & Bates, 2011).

### **School Personnel and Duty to Report**

As individuals, whose professional duties relate to children, school personnel are legally obligated to report suspected child abuse to a child protection agency (Children and Family Services Act, 1990, c. 5, s. 24(2)). School personnel are also ideally positioned to identify and report suspected child abuse to child protection agencies (King & Scott, 2014). Other than a child's parents/guardians, school personnel such as teachers, guidance counsellors, and school psychologists, may have the closest, most consistent interactions with children on a day-to-day basis (Kenny, 2001). Therefore, school personnel must have the knowledge and skillset required to detect and report suspected child abuse of a student under their care.

Teachers are often in a special position to identify signs of child abuse (Stewchuk, 2014; Haeseler, 2006; Tite, 1993). As most of children's waking hours are spent in school, they spend an extensive amount of time with their teachers (Stewchuk, 2014). Daily, teachers have the opportunity to observe children's behaviour (Egu & Weiss, 2003), their socio-emotional functioning (Egu & Weiss, 2003), and their physical appearance (Stewchuk, 2014). Teachers are also positioned to compare children's current behaviour, socio-emotional state, or physical appearance to their previous behaviours, functioning, and appearance (O'Toole et al., 1999)

and/or to those of their same age peers (Kenny, 2001). For these reasons, teachers are positioned to detect and legally obligated to report suspected child abuse to the appropriate agency.

Guidance counsellors, as individuals within the school who provide counselling services to both children and (at times) their parent/guardians, are also ideally placed to receive information about child abuse (Kenny & McEachern, 2002). Often, guidance counsellors are privy to very personal information about individual students within a particular school and are legally bound to report suspicions of suspected abuse to an agency (Canadian Counselling Association, 2007, s. b (2) (iii)).

School psychologists are also well positioned to identify and report suspected child abuse. As highly trained mental health experts, school psychologists can fulfill a variety of roles within a school such as consultation, evaluation, prevention, and intervention that could aid in the detection, prevention, and reporting of child abuse (Sheridan & Gutkin, 2000). Because children, who are victims of abuse, often present with behavioural, socio-emotional, and academic challenges, they are likely to come to the attention of school psychologists (Sherian & Gutkin, 2000). School psychologists may also become privy to information regarding child abuse through the provision of counselling and/or assessments in schools. Additionally, school psychologists may also learn of suspected child abuse through consultation with another school community member, who has concerns about a child's welfare (Lusk, Ribulsky & Viesel, 2015). No matter how they come of suspect child abuse, school psychologists are also legally bound to report their suspicions to a child protection agency.

### **School Personnel Reporting**

According to the Canadian Incidence Study of Reported Child Abuse and Neglect (2003), school personnel referred 23.6% of all cases of child abuse in Canada, and reports made by

school-based professionals such as school psychologists and guidance counsellors were more likely to be substantiated than reports made by teachers (43.5% and 28.4%, respectively; Public Health Agency of Canada, 2008; Trocmé et al., 2005). In 2008, the Public Health Agency of Canada indicated that teachers report a small proportion of suspected child abuse compared to other professionals who work with children. Of the approximate 733,000 reports of suspected child abuse made to child protection agencies in 2008, teachers only reported about 24% of these cases (Public Health Agency of Canada, 2008).

Research indicated that, although teachers may be well positioned to detect suspected child abuse, there are perceived deterrents to their reporting it (Kenny, 2004; Stewchuk, 2014). Specifically, research showed that a variety of individual factors can contribute to a school staff member's decision to report including: sex (Kenny, 2001), personal experience (Kenny, 2001), years of teaching (Kenny, 2001), faith in the competency of child protection agencies (Kenny, 2001; Dombrowski et al., 2003), and/or confidence in their own abilities to detect and report child abuse (Abrahams et al., 1992; Kenny, 2001). Kenny (2001), for example found that female teachers tend to report their suspicions of child abuse more than male teachers. Teachers with more years of experience also report more often (Beck, 1994). Dombrowski and colleagues (2003) reported that some school professionals have a general feeling of distrust in their local child protection agency's ability to adequately protect and improve the situation for children suffering from abuse. Research also found that school personnel were neither sufficiently knowledgeable about nor at ease with detecting and reporting child abuse (Kenny, 2004). Specifically, research indicated that school personnel are, generally, insufficiently trained to detect signs of abuse (Kenny, 2004; Stewchuk, 2014), are not well informed about board reporting procedures (Abrahams et al., 1992), are intimidated by potential legal ramifications of

filing unfounded reports (Abrahams et al., 1992), and/or are under the assumption that another person will report the suspected abuse and/or neglect (Crenshaw et al., 1995). Taken together, the research indicated that teachers (and other school staff members), although they are uniquely positioned to detect and report suspected child abuse, are neither sufficiently informed about nor comfortable with child abuse reporting procedures (Kenny, 2004).

### **Summary: Context of Child Abuse in Canada**

Research indicates that child abuse can have harmful and lasting effects on children (Canadian Centre for Justice Statistics, 2005). Though child abuse often affects a child's psychological, socio-emotional, cognitive, and behavioural development in ways that impair his/her well-being and functioning throughout his/her life (Benjet, Borges, & Medina-Mora, 2010), research finds that safe, secure, nurturing relationships (SSNR) can prevent maladaptive outcomes for child abuse victims across the lifespan (Centres for Disease Control and Prevention, 2014). School personnel, particularly school teachers who see children daily, are in a special position to offer stable and predictable support to children and to detect and report suspected child abuse.

The Children and Family Services Act (1990) requires all professionals, whose work puts them in contact with children, to report suspected child abuse to a child protection agency (c. 5, s. 24(2)(b)) and the Education Act requires that public school boards in Nova Scotia to create policies aimed at protecting school community members from abuse and harassment (Education Act, 1995-1996). With this in mind, public school boards in Nova Scotia are responsible for creating their own policies, administrative procedures, and professional development on reporting child abuse. Because each of Nova Scotia's school boards are responsible for making



their own child abuse reporting policies, it is conceivable that reporting procedures and levels of support provided to school personnel about the policies vary across the province.

### **Research questions**

The research was based on the following questions:

1. What is the structure of Nova Scotia public school boards?
2. Does each school board have policies/procedures pertaining to child abuse and what are the names, publication dates, and location(s) of these documents?
3. What are the contents of each board's policy statement and how does each board refer to relevant provincial and federal legislation, define important terms, and outline reporting procedures?
4. How do Nova Scotia public school board policies describe the ways in which and the frequency with which personnel receive personnel development on reporting child abuse?
5. In what ways are school board child abuse reporting policies similar and dissimilar to the definitions and duty-to-report procedures detailed in the Nova Scotia Children and Family Services Act (1990)?
6. Do school board child abuse reporting policies contain policy about protection from abuse and harassment and about providing safe, quality learning environments as required by the Education Act (1995-1996)?

## CHAPTER TWO: NOVA SCOTIA SCHOOL BOARDS AND THEIR CHILD ABUSE REPORTING POLICIES

### **Nova Scotia Public School Board Child Abuse Reporting Policies**

The province of Nova Scotia has eight public school boards that operate directly under the Minister of Education (Education Act, 1995-1996, c. 1, s. 64(1)). Each public school board in Nova Scotia has its own policy document pertaining to child abuse reporting. Nova Scotia's public school board child abuse reporting policies aim to inform school personnel of their legal responsibilities to report abuse and/or neglect and to provide them with straightforward duty-to-report procedures. To provide context for the board policy documents, information about each school board's structure will be described. Additionally, to assess whether Nova Scotia's eight public school board duty-to-report policies align with the Nova Scotia's Children and Family Services Act (1990) and the Education Act (1995-1996), the content of the policies must be described. Information within each of the reporting suspected child abuse policies is organized by policy name, publication date, location, and general contents.

#### **Annapolis Valley Regional School Board**

The Annapolis Valley Regional School Board (AVRSB) district stretches over 6,500 km<sup>2</sup> (Kelly, 2011) and comprises 41 schools across Annapolis County, Kings County, and West Hants Municipality (Annapolis Valley Regional School Board, 2015). The Annapolis Valley has a student population of 13,000 and a full-time staff of 1,500, who deliver educational services to student in English, as the primary language of instruction (Annapolis Valley Regional School Board).

**Policy document: Name, publication date, and location.** Since 2004, the Annapolis Valley Regional School Board has written, approved, and annually monitored board policy and

administrative procedures regarding school community member reporting of suspected child abuse and/or neglect (Annapolis Valley Regional School Board, Human Resources, 2004c, 2004d). The Annapolis Valley Regional School Board notes the Director of Human Resources is responsible for both the development and implementation of its child abuse reporting policy across the Board (Annapolis Valley Regional School Board, Human Resources, 2004c). The Annapolis Valley Regional School Board's duty-to-report protocol is detailed within one document titled, Reporting Protocol: Suspected Child Abuse, which is further subdivided into board policy and administrative procedure documents (Annapolis Valley Regional School Board, Human Resources, 2004c, 2004d). A second set of policy and procedure documents titled, Investigation of Allegation of Abuse by an Employee outlines steps to be taken when alleged abuse is suspected to be a staff member (Annapolis Valley Regional School Board, Human Resources, 2004c, 2004d). The Allegation of Abuse by an Employee will not be reviewed in this paper.

The Annapolis Valley Regional School Board's Reporting Protocol: Suspected Child Abuse document can be found online on the school board's website. The website is simply designed and allows for easy access to the policy document with minimal navigation. The Annapolis Valley Regional School Board's home page provides five circular navigational buttons that direct the site visitor to specific Board webpages. From the circular navigation buttons, the visitor can select the orange navigational button labelled *Policies*. The visitor is taken to a webpage that lists all Annapolis Valley Regional School Board's board policy and administrative procedure documents. The Reporting Protocol: Suspected Child Abuse document is filed under Employee and Labour Relations.

**Policy and procedure content: Policy statement.** The Reporting Protocol: Suspected Child Abuse board policy document recognizes the importance of and states that it is in accordance with Nova Scotia's Children and Family Services Act (1990). Specifically, the board policy document notes that the Annapolis Valley Regional School Board identifies the obligation of its school community members to report information pertaining to suspected child abuse to require protective services (Annapolis Valley Regional School Board, Human Resources, 2004d).

**Policy and procedure content: Legislative references.** The Annapolis Valley Regional School Board's Reporting Procedure: Suspected Child Abuse board policy and administrative procedure documents reference the Nova Scotia's Children and Family Services Act, particularly when describing duty-to-report procedures (1990; Annapolis Valley Regional School Board, Human Resources, 2004c, 2004d). The Reporting Protocol: Suspected Child Abuse administrative procedure document indicates that school community members, who report suspected abuse, are provided legal protection in accordance with Sections 23 to 25 of the Children and Family Services Act (1990; Annapolis Valley Regional School Board, Human Resources, 2004c, p. 1). Also in reference to the Children and Family Services Act (1990), the administrative procedure document describes that legal consequences of not reporting suspected child abuse or neglect exist and are detailed within Sections 23 to 25 of the Act (Annapolis Valley Regional School Board, Human Resources, 2004c, p. 1).

**Policy and procedure content: Definitions.** The Annapolis Valley Regional School Board's Reporting Protocol: Suspected Child Abuse administrative procedure documents define a child as an individual who is under the age of 16 years (Annapolis Valley Regional School Board, Human Resources, 2004d). The definition of a child in need of protective services is not

provided in the Annapolis Valley Regional School Board within the documents, however, the Reporting Protocol: Suspected Child Abuse administrative procedure document indicates that the Board aligns with the definition outlined in Section 22 of the Children and Family Services Act (Nova Scotia; 1990; Annapolis Valley Regional School Board, Human Resources, 2004c). Neither of the Reporting Protocol: Suspected Child Abuse policy and administrative procedure documents define abuse and neglect, however, the documents reference Section 22 of the Nova Scotia Children and Family Services Act (1990), which specifically describes various forms of abuse and neglect.

**Policy and procedure content: Reporting procedures.** The Annapolis Valley Regional School Board's Reporting Protocol: Suspected Child Abuse administrative procedure document states that all school community members have a duty-to-report suspected child abuse in accordance with Sections 23 to 25 of the Children and Family Services Act (1990; Annapolis Valley Regional School Board, Human Resources, 2004c, p. 1). The Reporting Protocol: Suspected Child Abuse administrative procedure document indicates that if a community member suspects that a child under 16 years of age is in need of protective services, a report of the suspected abuse ought to be made to a Family and Children's Services (Annapolis Valley Regional School Board, Human Resources, 2004c, p. 1). According to this administrative procedure document, if the student is 16 years of age or older, the school community member must obtain permission from the student before making a report of suspected abuse to police (Annapolis Valley Regional School Board, Human Resources, 2004c, p. 1). Additionally, Annapolis Valley Regional School Board's Reporting Protocol: Suspected Child Abuse board policy and administrative procedure documents recognize that it is the duty of a child protection agency or of the police to investigate suspected cases of abuse and neglect. The documents also

state that school community members must not interfere with the statutory obligations of the child protection agency staff and of the police (Annapolis Valley Regional School Board, Human Resources, 2004d, p. 1, 2004c, p. 1).

### **Cape Breton-Victoria Regional School Board**

The Cape Breton-Victoria Regional School Board (CB-VRSB) operates entirely on the island of Cape Breton. It covers 3,238 km<sup>2</sup> in size and encompasses both rural and urban settings in the Cape Breton Regional Municipality and Victoria County (Cape Breton-Victoria Regional School Board, 2013). It provides educational services to approximately 12,900 students and employees approximately 2,200 staff across 49 schools (Cape Breton-Victoria Regional School Board, 2013). The Cape Breton-Victoria Regional School Board delivers instruction to its students in English, as the primary language of instruction.

**Policy document: Name, publication date, and location.** Since 2013, the Cape Breton-Victoria Regional School Board has authorized and adopted policy and administrative procedures concerning the ways in which Cape Breton-Victoria Regional School Board employees and personnel report suspected child abuse (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013). The policy and administrative procedures document notes that it is to be reviewed within 3 years of the authorization date (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013). The Cape Breton-Victoria Regional School Board's Director of Programs and Student Services is responsible for ensuring the implementation of child abuse reporting policy and administrative procedures. Further, the Coordinator of School Services is responsible for the implementation of the Reporting Child Abuse policy and procedures (Cape Breton-Victoria Regional School Board,

Policy and Administration, 2013). The way in which the reporting policy and procedures are applied, however, is not identified within in the document.

The Cape Breton-Victoria Regional School Board's Reporting Child Abuse policy and procedures document is located online, through the school board's website. It is somewhat challenging to find. Specifically, the Board home page provides a navigational menu along the top of the homepage screen. The menu is labelled with seven navigational categories: *Home*, *Students*, *Parents*, *Employees*, *Departments*, *School Boards*, and *Schools*. All categories, with the exception of *Home*, have a drop-down menu, that allows for navigation to different Board webpages. Although all the drop-down categories include a link to a policy webpage, only the navigational category labelled *Students* will lead to the policy webpage with its Reporting Child Abuse document. Once on the proper policy webpage, the Reporting Child Abuse document can be found under the Section titled, *Programs and Student Services*.

**Policy and procedure content: Policy statement.** The Cape Breton-Victoria Regional School Board's Reporting Child Abuse policy and procedures document states that its students have a right to a quality education unhampered by any form of abuse (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013). The Cape Breton-Victoria Regional School Board also indicates that it strives to take all reasonable steps to identify and report all incidents of child abuse in its schools (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013). The document notes that all members of the school community who have a reasonable suspicion that a student is suffering from abuse are legally obligated to report this suspicion straightaway to an appropriate external agency.

**Policy and procedure content: Legislative references.** Despite noting legal obligations throughout the policy and procedures document, the Cape Breton-Victoria Regional School

Board Reporting Child Abuse policy and procedures document does not reference Nova Scotia's Children and Family Services Act (1990), which clearly outlines legal protections and penalties associated with reporting child abuse and/or neglect. Further, the Reporting Child Abuse policy and procedures document describes reporting procedures for school community members (i.e., employees and personnel), but does not include information regarding the legal protection of those who report abuse. Nor does it specify legal repercussions of those who fail to report or report falsely and maliciously (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedure, 2013).

**Policy and procedure content: Definitions.** The Cape Breton-Victoria Regional School Board's Reporting Child Abuse policy and procedures document aims to describe and define concepts that are crucial to the understanding duty-to-report protocol. Specifically, the Cape Breton-Victoria Regional School Board's Reporting Child Abuse policy and procedures document explicitly defines and provides examples of physical abuse, sexual abuse, emotional abuse, and neglect (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013). In its brief list of definitions, the document classifies neglect as a form of abuse. In addition to defining different forms of abuse, the document also provides examples for each form of abuse and gives specific indicators of physical abuse. The definitions, examples, and indicators contained in the document, though, are not in reference to the descriptions provided in the Nova Scotia Children and Family Services Act (1990) and are not credited to any other source.

**Policy and procedure content: Reporting procedures.** The Reporting Child Abuse policy and procedures document recognizes that all employees of the Cape Breton-Victoria Regional School Board must be diligent in detecting and responsive to child abuse (2013, s. 1).



Specifically, if a Board employee has reasonable grounds to suspect that a child is suffering from, may be suffering from, or may have suffered from abuse in the past, he/she is legally obligated to personally and immediately report his/her suspicion to the Department of Community Services (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013, s. 2-3). An employee must make a report even if the information obtained is confidential in nature and/or if he/she is unsure if there is reasonable enough suspicion to make a report (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013, s. 2-4). The Cape Breton-Victoria Regional School Board policy and procedure document also notes that when making a report to the Department of Community Services, the employee should document the time, the date, the name of agency employee who received the report, the student's name, and the details of the incident (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013, s. 5). Cape Breton-Victoria Regional School Board employees, who have reported suspected incidents of abuse and/or neglect to the appropriate agency, should also immediately inform their principal (or designate) that they have made a report (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013, s. 6). The principal or designate is then to advise the Coordinator of School Services a report has been made by an employee to the Department of Community services.

Additionally, the Reporting Child Abuse policy and procedures document acknowledges that it is not the duty of the school officials, including the principal, designate, or teacher, to investigate suspected cases of abuse (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013, s. 9). Though the document details the need for employees to make reports of suspected abuse to the Department of Community Services, it does not explicitly state that it is the role of external agencies to investigate reports of suspected child abuse and/or

neglect (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013, s. 2-7). Further, it does not outline any other responsibilities of the Department of Community Services or other external agencies.

### **Chignecto-Central Regional School Board**

The Chignecto-Central Regional School Board covers central and northern Nova Scotia. Specifically, it spans 12,529 km<sup>2</sup> from the New Brunswick border to the Antigonish County line and from the Northumberland Strait to the Halifax Regional Municipality (Chignecto-Central Regional School Board, 2016). The Chignecto-Central Regional School Board comprises 73 schools, provides education to over 20,000 students, and employs approximately 2,700 staff (Chignecto-Central Regional School Board, 2016). The primary language of instruction across the board is English.

**Policy document: Name, publication date, and location.** It is not noted in the Chignecto-Central Regional School Board policy does not note the date on which its child abuse reporting policy was created or approved (Chignecto-Central Regional School Board, Education Services, n.d.) It is also unclear in the Child Abuse and/or Neglect policy document the frequency of which the Chignecto-Central Regional School Board's policy and procedural documents are monitored and/or amended (Chignecto-Central Regional School Board, Education Services, n.d.). The Board Superintendent is responsible for the implementation of its child abuse reporting policy (Chignecto-Central Regional School Board, Education Services, n.d.).

Chignecto-Central Regional School Board's Child Abuse and/or Neglect policy document is located on the school board's online site. The website is simply designed, yet mildly challenging to navigate. The board website displays a navigational menu along the top of its homepage screen. The menu provides nine navigational categories labelled: *Home, About Us,*

*Department, Students, Parents, CCRSB News, Employment, Contact Us, and Staff.* If the site visitor chooses a specific navigational category, a drop-down menu will appear. The visitor can select the *About Us* followed by the *CCRSB Policies and Procedures* as a drop-down menu option. The visitor will then be directed to the Board's Policy and Procedure Manual. Navigating this manual, however, is neither simple nor intuitive. Specifically, the visitor must select the *Educational Services* link, followed by a link titled, *General* to locate the Child Abuse and/or Neglect policy document.

**Policy and procedure content: Policy statement.** Within the Chignecto-Central Regional School Board's Child Abuse and/or Neglect policy document, the Board states that students attending schools within its jurisdiction must be safeguarded from any form of abuse and/or neglect (Chignecto-Central Regional School Board, Education Services, n.d.). The Chignecto-Central Regional School Board also acknowledges its role in ensuring that its employees report suspected child abuse and/or neglect in accordance with the Nova Scotia Department of Community Services and with the Children and Family Services Act (1990).

**Policy and procedure content: Legislative references.** The Chignecto-Central Regional School Board's policy document specifically refers to sections of the Nova Scotia Children and Family Services Act (1990) that outline a child in need of protection and duty-to-report protocol (Chignecto-Central Regional School Board, Education Services, n.d.). It should be noted, however, the Chignecto-Central Regional School Board document neither includes the policy's publication date nor the policy's last revision date. Though the Chignecto-Central Regional School Board Child Abuse and/or Neglect document refers to the version of the Children and Family Services Act (1990) that was last amended in 1996. Therefore, relevant child abuse reporting definitions and procedures, which may have been in accordance to the Children and

Family Services Act when the policy was created or revised, are no longer accurate.

Furthermore, although the Child Abuse and Neglect policy details reporting procedures for school board employees and supervisors, the document neither details legal protection of those who report abuse nor does it specify legal repercussions of those who fail to report or file a report falsely and maliciously (Chignecto-Central Regional School Board, Education Services, n.d.). Therefore, school staff members who rely upon the Child Abuse and Neglect document for reporting information may not be fully informed about the legal protections and disciplines involved with reporting cases of suspected abuse and/or neglect.

**Policy and procedure content: Definitions.** The Chignecto-Central Regional School Board's Child Abuse and/or Neglect policy document aims to define concepts to aid in the understanding of and reporting of suspected child abuse and/or neglect. The Chignecto-Central Regional School Board policy document, pertaining to reporting protocol, addresses important duty-to-report concepts in the following ways.

The Chignecto-Central Regional School Board's Child Abuse and/or Neglect policy document defines a child as a person under the age of 16 years (Chignecto-Central Regional School Board, Education Services, n.d.). The document does not contain a description of a child in need of protective services that aligns with the description provided within the Act (1990). Specifically, the Chignecto-Central Regional School Board policy document creates its own definition through use of the concept neglected child in combination with uncited excerpts from the Children and Family Services Act (1990).

The Chignecto-Central Regional School Board's Child Abuse and/or Neglect policy document explicitly defines and provides examples of physical abuse, sexual abuse, emotional abuse, neglected child, and suspected abuser (Chignecto-Central Regional School Board,

Education Services, n.d.). The policy document also includes some indicators of physical abuse such as bruises, welts, burns, and/or fractures (Chignecto-Central Regional School Board, Education Services, n.d., Definitions, s. 1-5). It should be noted, however, that the definitions, examples, and indicators within the policy document do not directly coincide with those described within the Nova Scotia Children and Family Services Act (1990) and do not credit any other source. Due to the outdated nature of the document, even if definitions of important terms were directly cited from the Children and Family Services Act (1990), the terms would not be in keeping with those detailed in the most recent version of the Act.

**Policy and procedure content: Reporting procedures.** An employee of the Chignecto-Central Regional School Board, who suspects that a student is being abused and/or neglected, is obligated to report that information straightaway to his/her immediate supervisor (principal/supervisor). With supervisor present, the employee must immediately report the information to Children's Aid Society or to a Family Services Agency serving the community. On the day that the report is made, the employee must also prepare a written report to be submitted to the agency (Chignecto-Central Regional School Board, Education Services, n.d., Reporting Procedures, s. 1). If the suspected abuse is of a child of 16 years or older, the report must be documented and made to local police (Chignecto-Central Regional School Board, Education Services, n.d., Reporting Procedures, s. 2 (f)).

Additionally, the Chignecto-Central Regional School Board policy document outlines reporting responsibilities for school supervisors/ principals. In particular, school supervisors/principals are responsible for maintaining basic in-school records pertaining to the report of suspected abuse (e.g., date of report, name of external agency member). Supervisors/principals must also ensure that the school sends the original copy of a written report

to the external agency and maintains a copy of the written report for the school (Chignecto-Central Regional School Board, Education Services, n.d., Reporting Procedures, s. 2 (a)(b)(c)).

### **Le Conseil Scolaire Acadien Provincial**

The Conseil Scolaire Acadien Provincial comprises 22 schools which are located across the province of Nova Scotia (i.e., within the geographic boundaries of the other seven school boards). Established in 1996, Conseil Scolaire Acadien Provincial represents the only Francophone school board in the province (Conseil Scolaire Acadien Provincial, 2015). Conseil Scolaire Acadien Provincial serves approximately 4,800 students and employs approximately 600 staff each school year (Conseil Scolaire Acadien Provincial, 2015). In hopes of preserving, developing, and encouraging appreciation for Acadian culture in Nova Scotia, the Conseil Scolaire Acadien Provincial delivers French language instruction to Francophone and Acadian students (Conseil Scolaire Acadien Provincial, 2015).

**Policy document: Name, publication date, and location.** Since 1997, the Conseil Scolaire Acadien Provincial has outlined procedures concerning the ways in which its employees report suspected child maltreatment and neglect in its administrative directive and procedure documents titled: *Enfants victims de mauvais traitements ou de négligence* (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997). The Conseil Scolaire Acadien Provincial policy states that it is the board's General Director, who is responsible for the implementation of the reporting policy (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997). The administrative directive and procedure documents do not specify monitoring and amendment processes; therefore, it is unclear when the documents were last revised and/or updated.

The Conseil Scolaire Acadien Provincial administrative directive and procedure documents pertaining to reporting child abuse and neglect can be located online. The website is

designed for Francophone visitors. For site visitors who can read and understand French text, the website is simple to navigate. Navigation may prove challenging for those who experience difficulty with reading and comprehending French. The Board home page provides ten navigational boxes along the right-hand side of the homepage screen. The menu is labelled with 12 navigational categories that contain their own drop-down menus. To reach the administrative directive and procedure documents, the visitor must select the seventh navigational category box labeled, *Politiques, directives et procédures*, which will link the visitor to a separate webpage containing important Board documents. Once on the webpage, the visitor can scroll through the documents by category. The maltreatment and neglect administrative directive and procedure documents are located under the heading, *Éducation Spéciale* (Special Education).

**Policy and procedure content: Policy statement.** In its administrative directive, Conseil Scolaire Acadien Provincial recognizes that it can contribute to the prevention of child maltreatment and neglect through its curriculum and student services. It also acknowledges that its schools play important roles in detecting maltreatment or neglect (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997).

**Policy and procedure content: Legislative references.** In its administrative directive and procedure documents, Conseil Scolaire Acadien Provincial states that it aligns with the Nova Scotia's Children and Family Services Act (1990) and that pertinent Sections of the Act are in a separate appendix (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997, Annexe A). It should be noted that the policy document likely refers to an outdated version of the Act. Specifically, the only date on the Conseil Scolaire Acadien Provincial's policy document is August 24<sup>th</sup>, 1997 and it is unclear whether the date indicates the year in which the document was published or last edited. The policy document also does not indicate to which version of the

Children and Family Services Act (1990) it is referring. Considering the date provided in the document and the version of the Children and Family Services Act is not indicated, the information is likely outdated, which explains the misalignment with the reporting policies outlined in the current version of the Children and Family Services Act (1990).

In reference to the Children and Family Services Act (1990), Conseil Scolaire Acadien Provincial's administrative directive document notes that individuals who report alleged maltreatment or neglect of a child are offered protection in legal proceedings. Further, it states that Board will support any staff member who performs his/her legal obligation to report child abuse and/or neglect (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997).

**Policy and procedure content: Definitions.** To aid in the understanding, recognition, and reporting of child maltreatment and/or neglect, Conseil Scolaire Acadien Provincial's administrative directive and procedure documents refer to Nova Scotia's Children and Family Services Act (1990). Specifically, it purposes to operationalize the following concepts: child, child in need of protection, and maltreatment.

The Board's administrative directive and procedure documents define a child as a person under the age of 16 years (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997). The documents also cite Sections 22 to 25 of the Act (1990), that describe a child in need of protective services and duty-to-report procedures (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997). It should be recognized that although the documents reference pertinent Sections of the Children and Family Services Act (1990), the they fail to provide the Act's (1990) description of a child in need of protective services within the documents themselves.



Conseil Scolaire Acadien Provincial's administrative procedure document frequently uses the phrase "maltreatment or neglect", indicating that the concepts of maltreatment and neglect are viewed by the Board as separate concepts. Neither concept, however, is defined in the document.

**Policy and procedure content: Reporting procedures.** Conseil Scolaire Acadien Provincial's documents pertaining to child maltreatment and neglect indicate that any school board employee, who has reasonable cause to suspect that a child is or may have been suffering from maltreatment or neglect, must straightaway report his/her suspicions to a child protection agency (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997, p. 1). Afterward, the employee must notify the school principal as soon as possible (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997, p. 1). If the alleged victim of maltreatment and/or neglect is 16 years or older, the employee must report this information to the school guidance counselor and to the school principal (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997, p. 4). In cases of sexual harm and/or serious cases of maltreatment or neglect, the employee may also wish to contact the police. It is noted, however, that child protection services will report cases of sexual harm and/or serious cases of maltreatment or neglect to the police (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997, p. 2). The administrative procedure document also states that an employee must record the facts surrounding the alleged case of maltreatment or neglect, including the following: details concerning the child's behaviour and/or physical condition, direct or indirect confessions by the child or other children, and all comments that the child has voluntarily disclosed to the employee (1997, p. 1). The Board documents also suggest that the employee record the time and date of the

report and the name of the individual agency member they reported to (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997, p. 2).

The school principal will create a school-based team made up of a psychologist/psychometrist, a guidance counselor, a teacher, and a member of school management to develop an intervention plan for the child involved in the alleged incident of maltreatment or neglect (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997, p. 2). In cases where an employee suspects that a child may have suffered or is suffering abuse by a school staff member, he/she shall straightaway notify child protective services and school management (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997, p. 3). The principal will relay necessary information of the report the Board's Director General, who will then notify the Board's Advisory President (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997, p. 3).

Conseil Scolaire Acadien Provincial's administrative procedure document pertaining to reporting suspected child maltreatment and negligence specifies the responsibilities of external agencies. In particular, the document acknowledges that a child protection agency is to determine if there are sufficient grounds to investigate a report, to investigate suspected cases of abuse and neglect, to interview the child and other pertinent parties, to take a child into care, to notify family members, to cooperate with relevant school staff members to plan interventions for the child, and to communicate with other external agencies (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997).

### **Halifax Regional School Board**

The Halifax Regional School Board is the largest school board in Atlantic Canada. The Halifax Regional School Board covers approximately 5,850 km<sup>2</sup> in geographic area and serves

both urban and rural communities within the Halifax Regional Municipality (Halifax Regional School Board, 2016b). It comprises 136 schools, serves approximately 48,000 students, and employs approximately 9,000 staff (Halifax Regional School Board, 2016a). Halifax Regional School Board delivers instruction to its students primarily in English.

**Policy document: Name, publication date, and location.** Since 2013, the Halifax Regional School Board has approved policy and procedures regarding school community member reporting of suspected child abuse and neglect (Halifax Regional School Board, School Administration, Policy, 2013). Its Child Abuse and Neglect policy document is monitored every five years or is reviewed on as-need bases (Halifax Regional School Board, School Administration, Policy, 2013; Halifax Regional School Board, School Administration, Procedures, 2013). The Board Superintendent is responsible for implementing its child abuse reporting policy (Halifax Regional School Board, School Administration Policy, 2012). In addition to its Child Abuse and Neglect policy, the Halifax Regional School Board has other related policies accessible to school staff and the public alike, such as a Safe, Secure, and Healthy Schools policy and a Student Protection Policy.

The Halifax Regional School Board's Reporting Child Abuse and Neglect policy is located online. The website is moderately challenging to navigate; the path to Halifax Regional School Board's Reporting Child Abuse and Neglect policy document is neither direct nor intuitive. The Board home page provides a navigational menu along the top of the homepage screen. The visitor must choose the navigational category titled *About HRSB* to begin navigation toward the policy. Once on the *About HRSB* webpage, the visitor must scroll down to the middle of the page to a heading labelled *Departments* and the selection of navigational boxes listed below it. Upon selecting the link in the *Board Services* box, the visitor is taken to a webpage that

lists the Board's functions. A navigational link titled, *Policy* will lead to a new webpage on which the visitor must select another navigational link named, *Policies*. The visitor may then scroll through a list of school policies categorized by organizational headings and select the Reporting Child Abuse and Neglect policy document link under the *School Administration* heading.

**Policy and procedure content: Policy statement.** The Halifax Regional School Board's Reporting Child Abuse and Neglect policy document indicates that the Board is dedicated to both informing students of their rights and responsibilities concerning child abuse and protecting them from all forms of abuse (Halifax Regional School Board, School Administration, Policy, 2013, p. 1). The Board also aims to ensure that all school community members, which includes school employees, comprehend their rights, roles and responsibilities in regard to students (Halifax Regional School Board, School Administration, Policy, 2013, p. 1). The Halifax Regional School Board policy document, however, does not identify how the Board will ensure that school community members and students will understand their rights, roles, and responsibilities regarding child abuse. In its policy document, the Board also indicates its intention to ensure that school community members avoid placing themselves in circumstances that can be perceived as placing students at risk (Halifax Regional School Board, School Administration, Policy, 2013, p. 1.).

**Policy and procedure content: Legislative references.** Halifax Regional School Board's procedure document states that the Board has a responsibility to safeguard its students from any form of abuse and neglect at school or under the supervision of a school community employee (Halifax Regional School Board, School Administration, Procedures, 2013, p. 1). To protect its students, the Halifax Regional School Board Reporting Child Abuse and Neglect

policy document indicates that it aligns with the Nova Scotia Education Act (1995-1996), the Nova Scotia Children and Family Services Act (1990), and the Halifax Regional School Board Student Protection Policy (Halifax Regional School Board, School Administration, Policy, 2013, p. 1.). Although the Reporting Child Abuse and Neglect policy and procedures documents detail duty-to-report procedures for school community members, these documents neither include information pertaining to legal protection of those who report abuse/neglect nor specify legal repercussions of those who fail to report. Further, the documents do not contain information about penalties for making a false and malicious reports (Halifax Regional School Board, School Administration, Policy, 2013; Halifax Regional School Board, School Administration, Procedures, 2013). Therefore, school staff members who rely upon the Reporting Child Abuse and Neglect documents as their source for reporting information may not be fully informed about the legal protection and penalties involved with reporting suspected abuse and/or neglect (or not).

**Policy and procedure content: Definitions.** The Halifax Regional School Board's Reporting Child Abuse and Neglect procedures document aims to introduce and explain concepts relevant to reporting child abuse and neglect (Halifax Regional School Board, School Administration, Procedures, 2013). The Halifax Regional School Board references the Children and Family Services Act (1990) to aid in its description of concepts such as: child in need of protection, abuse, and neglect.

In accordance with the definitions and descriptions within the Children and Family Services Act (1990), Halifax Regional School Board's Reporting Child Abuse and Neglect procedure document explicitly defines the concepts child and a child in need of protective services. The document also defines abuse by a third party (i.e., abuse by someone other than the

child's parent/guardian) and outlines duty-to-report procedures (Halifax Regional School Board, School Administration, Procedures, 2013, Appendix A).

The Halifax Regional School Board commonly mentions the phrase “abuse and neglect”, which indicates that the two concepts are independent of one another (Halifax Regional School Board, School Administration, Procedures, 2013). The Reporting Child Abuse procedures document does not explicitly define the concepts abuse and neglect; however, it references pertinent excerpts of the Nova Scotia Children and Family Services Act (1990) to aid in the understanding of these terms.

**Policy and procedure content: Reporting procedures.** Administrators, teachers, and/or other employees of the Halifax Regional School Board, who suspect that a student is being abused or neglected, are obligated under the Children and Family Services Act (1990) to report that information to the local office of the Department of Community Services (Halifax Regional School Board, School Administration, Procedures, 2013, p. 2., s. 2.1). Per the procedure document, when deciding to report an incident or situation or suspected abuse and/or neglect of a child, it is not a requirement that the person making the report has proof that abuse or neglect has taken place (Halifax Regional School Board, School Administration, Procedures, 2013, p. 1., s. 1.2). The procedures document clarifies that a child protection agency and/or the courts will investigate the allegations. If a person is uncertain about making a report, the uncertainty should be resolved in favour of the alleged victim (Halifax Regional School Board, School Administration, Procedures, 2013, p. 1., s. 1.2). Halifax Regional School Board school community members, who have reported suspected incidents of abuse and/or neglect to the appropriate agency, should also inform their principal when appropriate that they have made a report. Details pertaining to the content of the report, however, are not to be divulged to the

principal (Halifax Regional School Board, School Administration, Procedures, 2013, p. 2., s. 2.2).

If reporting suspected third-party abuse of a student by a school board employee, a school community member must report the information to the Department of Community Services. He/she must also inform Director of Human Resource Services of the report, without disclosing details of the reported information (Halifax Regional School Board, School Administration, Procedures, 2013, p. 2., s. 2.4). If an agency determines that the referral warrants investigation, the agency will advise the Director of Human Resource Services who will notify the Superintendent and will meet with the appropriate manager, supervisor, or school principal to determine the immediate actions that may need to be taken by the school board.

The Halifax Regional School Board's Reporting Child Abuse and Neglect procedures document acknowledges that it is the duty of the Department of Community Services to investigate suspected cases of abuse and neglect, to contact and engage with parents, to notify applicable school board members that a report of suspected abuse/neglect has been made (e.g., superintendent and/or director of human resources), to conduct interviews with relevant parties (including students while at school- with or without parental knowledge/consent), and to share necessary information with the Halifax Regional School Board in a timely fashion (Halifax Regional School Board, School Administration, Procedures, 2013, p. 1-2).

### **South Shore Regional School Board**

The South Shore Regional School Board jurisdiction spans across seven municipal entities across 5,250 km<sup>2</sup> including: the region of Queens, a section of Annapolis County, the District of Chester, the District of Lunenburg, and the towns of Bridgewater, Lunenburg, and Mahone Bay (South Shore Regional School Board, 2015b). The South Shore Regional School

Board (SSRSB) has 26 schools within its jurisdiction and provides educational services to approximately 6,500 students in English (South Shore Regional School Board, 2015).

**Policy document: Name, publication date, and location.** Since 2012, the South Shore Regional School Board has approved and adopted policy and administrative procedures concerning the ways in which its employees and personnel report suspected child abuse (South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012). The monitoring and amendment processes, however, are not stated in the Child Abuse and Neglect policy and procedures document. The Board Superintendent is responsible for the implementation of the child abuse reporting across the board (South Shore Regional School Board, Programs and Student Services, Administrative Procedure, 2012).

The South Shore Regional School's child abuse policy and procedures document is located on the school board's website. Its website is simply designed and easy to navigate. The SSRSB Board home page provides a navigational menu along the top of the homepage screen. The menu is labelled with seven navigational categories: *Home, About Us, Contact Us, Schools, Governing Board, Family Information, For Staff, and Employment*. The visitor must choose the *About Us* navigational category, which leads to a separate Board webpage with information about the SSRSB. Once on this webpage, the visitor can select the *Enter* navigational link under the *Policies and Procedures* heading. The Policies and Procedures webpage includes six rectangular navigational boxes in the center of the page. The visitor must select the box titled, *Programs and Student Services: 200 Series* to link to its program and student services policy document page. Once on the policy page, the visitor can scroll down a list of policy documents, which are arranged according to policy approval date, to locate the Policy 228- Child Abuse and Neglect document.



**Policy and procedure content: Policy statement.** The South Shore Regional School Board policy recognizes that the protection of children is a shared responsibility and that the safety and well-being of children are of great importance. It describes school community members, who are in regular contact with children, as trained observers of children's behaviour and as individuals who play an integral role in identifying and reporting child abuse and/or neglect (South Shore Regional School Board, Programs and Student Services, Governance Policy, 2012, p. 1., s. 1.1.3.). Also, any school community member, who suspects that a child may be or is at substantial risk of suffering from abuse or neglect, must immediately report the information (whether confidential or privileged) to the Department of Community Services (South Shore Regional School Board, Programs and Student Services, Governance Policy, 2012, p. 1., s. 1.1.1.). The policy statement also states that it has established joint protocols between the Board and the Department of Community Services, Child Welfare Divisions of Lunenburg and Queens Counties, and Mi'kmaq Family and Children's Services to protect children from abuse and neglect in a cooperative and effective manner (South Shore Regional School Board, Programs and Student Services, Governance Policy, 2012, p. 1., s. 1.1.2.).

**Policy and procedure content: Legislative references.** South Shore Regional School Board's policy document refers to Nova Scotia's Children and Family Services Act (1990) and Board policies titled Police Investigations and Race Relations, Cross Cultural Understanding, and Human Rights (South Shore Regional School Board, Programs and Student Services, Governance Policy, 2012, p. 1., s. 2.0.). Although the Child Abuse and Neglect policy and procedural documents detail the reporting procedures for school employees, the document does not include information regarding the legal protection of those who report abuse/neglect or specifying legal repercussions of those who do not report their suspicions of abuse or neglect.

Further, the document does not contain legal penalties associated with reporting falsely and maliciously. Therefore, school staff members may not be fully informed about the legal protections and penalties involved with reporting (or not reporting) suspected abuse and/or neglect.

**Policy and procedure content: Definitions.** The South Shore Regional School Board's Child Abuse and Neglect procedure document purposes to define concepts essential to the understanding of and reporting of child abuse and neglect. Specifically, Appendix A of the South Shore Regional School Board's Child Abuse and Neglect documents explicitly defines, provides examples of, and lists indicators of physical abuse, sexual abuse, emotional abuse, and neglect (South Shore Regional School Board, Programs and Student Services, 2012, Appendix A). Despite indicating that much of the Appendix's content is derived from Nova Scotia's Children and Family Services Act (1990), the definitions, examples, and indicators are not aligned with those presented in the Act. Moreover, the definitions, indicators, and examples are not credited to any other source.

**Policy and procedure content: Reporting procedures.** The South Shore Regional School Board's Child Abuse and Neglect reporting procedures indicate that if a member of the South Shore Regional School Board staff has reason to suspect that a child is being abused, neglected, and/or exposed to family violence, he/she must straightaway inform the principal (or designate) prior to reporting his/her suspicions to a child protection agency (South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012, p. 1., s. 2.1-2.2). The principal (or designate) is then responsible for immediately filing a written report pertaining to the suspected incident of abuse and/or neglect with the Superintendent of Schools. The principal will permit the reporting staff member to review the written report for accuracy

before it is submitted to the Superintendent (South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012, p. 1., s. 2.3). A Child Abuse and Neglect referral form is contained within the appendices.

The Child Abuse and Neglect document also addresses alleged child abuse by South Shore Regional School Board employees and volunteers. Specifically, if a South Shore Regional School Board employee or volunteer is suspected of abusing a student, he/she is to immediately report his/her suspicion to the school principal and file a report to child protection services. The principal will then inform the Director of Human Resources of the suspicion as soon as possible (South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012, p. 4., s. 4.1-4.2).

The South Shore Regional School Board procedure document regarding reporting suspected abuse of students directly outlines the role of external agencies. Specifically, the Child Abuse and Neglect administrative document acknowledges that a child protection agency will determine if there are sufficient grounds to investigate a report, investigate suspected cases of abuse and neglect, interview the child and other pertinent parties to the alleged incident, take a child into care, to notify family, and will communicate with other external agencies (South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012, p. 3., s. 3.0).

### **Strait Regional School Board**

Located on the northeastern part of Nova Scotia, the Strait Regional School Board spans a large geographical area (11,000 km<sup>2</sup>, Strait Regional School Board, 2015). The Strait Regional School Board comprises 21 schools across four counties: Antigonish, Guysborough, Inverness, and Richmond. Strait Regional School Board serves approximately 6,300 students and employs

approximately 950 staff each school year (Strait Regional School Board, 2015). English is the primary language of instruction in the Strait Regional School Board.

**Policy document: Name, publication date, and location.** The Strait Regional School Board has also adopted its own school board policy concerning the protection of students within its jurisdiction against abuse, neglect, and harassment titled the Protection of Students (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004). The revision protocol for Strait Regional School Board's policy document, however, is not mentioned within the document. The Strait Regional School Board does not note the person(s) responsible for creating and implementing their child abuse reporting policy (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004). Since 2001, the Strait Regional School Board and local child protection agencies have authorized and enacted an inter-agency protocol for the reporting of suspected child abuse and/or neglect by school personnel: Protocol and Guidelines for Child Protection Workers and School Personnel in the Strait Regional School Community, which is reviewed for revisions bi-annually by all parties involved to ensure inter-agency communication, partnership, and consistency in the treatment of school-generated reports of suspected child abuse and/or neglect (Strait Regional School Community, 2013).

The Strait Regional School Board child abuse reporting policy documents are located on the Strait Regional School Board website. Navigation to the documents is moderately challenging. Specifically, to gain access to the Strait Regional School Board Protection of Students, the visitor must select the *About Us* navigational option along the top of the homepage. Once on the *About Us* webpage, the visitor must then choose the *Policy Manual* navigational option on the left-hand side of the webpage. The *Policy Manual* is divided into sections. The

visitor must then select the section titled *Section IV: Students* and scroll down a list of policies to find the Protection of Students document.

**Policy and procedure content: Policy statement.** In the Strait Regional School Board's Protection of Students policy document, the Strait Regional School Board recognizes that all of its students have the right to receive an excellent education in a positive learning environment, unhampered by any form of abuse and harassment.

**Policy and procedure content: Legislative references.** The Strait Regional School Board policy document indicates that all school community members, who have reasonable grounds to suspect that a student is, may be, or may have suffered from abuse, have both a legal and ethical obligation to immediately report the suspicion and the information upon which it is based to the appropriate external agency (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004). However, the Strait Regional School Board's Protection of Students policy does not refer to any federal or provincial legislative documents (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004). Specifically, it does not reference the Criminal Code of Canada (1985), the Children and Family Services Act (1990), or the Education Act (1995-1996) when outlining reporting protocol.

**Policy and procedure content: Definitions.** The Strait Regional School Board aims to foster an understanding of child abuse and neglect. To help school community members develop knowledge about reporting abuse and neglect, Strait Regional School Board document defines and describes relevant duty-to-report concepts.

Without any reference to the Children and Family Services Act (1990), the Strait Regional School Board Protection of Students document recognizes that a child is an individual under the age of 15 years. It does not, however, operationalize a child in need of protective

services. The Strait Regional School Board's Protection of Students document provides definitions of physical abuse, sexual abuse, emotional abuse, and neglect (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004). It should be noted, however, that the definitions, examples, and indicators within the Strait Regional School Board document are uncited.

**Policy and procedures content: Reporting procedures.** The Strait Regional School Board Protection of Students document indicates that school community members are legally required to personally and promptly report to any incidences of suspected child abuse and neglect to an appropriate external agency (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004, p. 2). The Strait Regional School Board document indicates that if the alleged victim of abuse and/or neglect is 15 years of age or younger, the employee should contact a child protection agency. If the suspected victim is older than 15 years old and is suffering from physical or sexual abuse, the local RCMP detachment should be notified (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004, p. 2). With these considerations, the Strait Regional School Board noted that it is insufficient for school personnel to simply alert their supervisors to suspected cases of child abuse- the suspicions must be reported to an external agency.

The Strait Regional School Board document states that the report must not be made with malicious intent and stresses that it is not necessary to wait until a child has been harmed to report (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004, p. 2). If there is reasonable justification to think that a child requires protective services, the legal duty-to-report applies. If an employee has any questions pertaining to whether his/her suspicions merit making a report, he/she should contact the nearest child protection agency for

counsel (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004, p. 2).

The Board document also details the alleged abuse of a child by a school employee. Specifically, when the alleged perpetrator is someone other than the child's parent/guardian (e.g., school personnel or other school community members), the same reporting procedures apply, however, the Director of Human Resources must also be contacted. The individual responsible for contacting the Director of Human Resources is not clarified in the Board document.

The Strait Regional School Board Protection of Students document directly outlines the roles and responsibilities of external agencies. It indicated that child protection workers and police officers are the primary professionals involved in responding to school reports of suspected child abuse and neglect. The document also details that a child protection agency is responsible for the safety of the child and for investigating whether a child needs protective services, as directed by the Children and Family Services Act (1990). The role of the agency is also to determine if there are sufficient grounds to investigate a report, to investigate suspected cases of abuse and neglect, to interview the child and other pertinent parties, to take a child into care, to notify parents of the alleged victim, and to communicate with other external agencies (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004, p. 3).

### **Tri-County Regional School Board**

Operating on the southwestern tip of Nova Scotia, the Tri-County Regional School Board's jurisdiction covers over 7,000 km<sup>2</sup> on and comprises Shelburne, Digby, and Yarmouth counties (Tri-County Regional School Board, 2016). The Tri-County Regional School Board

(TCRSB) operates 25 schools and provides English language educational services to roughly 5,900 students (Tri-County Regional School Board, 2016).

**Policy document: Name, publication date, and location.** Since its revision in 2008, the Tri-County Regional School Board has adopted policy and procedures concerning the ways in which its teachers report suspected child abuse (Tri-County Regional School Board, Policy and Procedures, 2008). The monitoring and amendment processes are not stated in the Child Abuse and Neglect policy and procedures document. Additionally, the Tri-County Regional School Board policy states that it is the responsibility of school principals to fulfill the role of implementing the child abuse reporting policy (Tri-County Regional School Board, Policy and Procedures, 2008).

The Tri-County Regional School Board's Child Abuse and Neglect policy and procedures document is located on the board website. The website is simply designed and allows for easy access to its Board policies. The Board home page provides navigational menus along the top of and the left-hand side of the homepage screen. The first category of the left-hand navigational menu labelled *School Board Policies* will link the site visitor to the School Board Policies webpage. The *School Board Policies* webpage includes a list of nine titled links. Upon selection of a link titled, *Students*, the visitor will be taken to Tri-County Regional School Board policies pertaining to students. Once on the student policy page, the visitor can scroll down a list of policy documents and simply select *732- Child Abuse and Neglect*. Selecting this link will open the desired policy document.

**Policy and procedure content: Policy statement.** The Tri-County Regional School Board recognizes that teachers have a responsibility to fulfill their obligations in cases of abuse and/or neglect. The Tri-County Regional School Board also notes that it supports their



established joint protocols with Digby, Shelburne, and Mi'kmaq child protection agencies (Tri-County Regional School Board, Policy and Procedures, 2008).

**Policy and procedure content: Legislative references.** The Tri-County Regional School Board's policy and procedures documents refer to one provincial legislative document. Specifically, the Tri-County Regional School Board documents refer only to Nova Scotia's Children and Family Services Act (1990) regarding legal protections and legal discipline of staff who report suspected child abuse.

The Child Abuse and Neglect policy and procedures document details that professional staff members, who report suspected abuse and neglect, are provided legal protection in accordance with Sections 23 to 25 of the Children and Family Services Act (1990; Tri-County Regional School Board, Policy and Procedures, 2008, Appendix A). Also in reference to the Children and Family Services Act (1990), the reporting document notes that legal consequences of not reporting suspected child abuse or neglect exist and are detailed within Sections 23 to 25 of the Act (1990; Tri-County Regional School Board, Policy and Procedures, 2008, Appendix A). It should be noted that the Tri-County Regional School Board's Child Abuse and Neglect document notes that it was last revised in 2008, so it could be assumed that the document could, at best, be aligned with the Nova Scotia Children and Family Services Act (1990) last amended in 2008 (Tri-County Regional School Board, Policy and Procedures, Appendix A, 2008). Though the document references pertinent definitions and procedures of the Children and Family Services Act (1990), the policy definitions and reporting protocol misalign with those outlined in the Act (e.g., expanding on definitions of important terms without reference to other documents, informing the principal of suspected abuse prior to reporting suspected child abuse).

**Policy and procedure content: Definitions.** The Tri-County Regional School Board Child Abuse and Neglect document describes concepts that are integral to the understanding of and reporting of child abuse and neglect. Specifically, it clarifies the terms child, child in need of protection, and abuse/neglect.

The Tri-County Regional School Board's Child Abuse and Neglect policy and procedures document defines a child as a person below the age of 16 years (Tri-County Regional School Board, Policy and Procedures, 2008). The document also refers to and provides relevant excerpts from the Children and Family Services Act (1990), to define a child in need of protective services.

Regarding child abuse and neglect, Appendix A of the Tri-County Regional School Board's Child Abuse and Neglect document contains clear definitions of and examples of physical abuse, sexual abuse, emotional abuse, and neglect (Tri-County Regional School Board, Policy and Procedures, 2008). The document also lists both physical and behaviour indicators of various types of abuse and of neglect. Despite referencing the Children and Family Services Act (1990) in other sections of the document, the definitions, examples, and indicators are not referenced from the Act and are not credited to any other source.

**Policy and procedure content: Reporting procedures.** The Tri-County Regional School Board's Child Abuse and Neglect procedure document recognizes the importance of its staff's ability to detect and respond to child abuse and neglect, in a manner that is in accordance with Nova Scotia's Children and Family Services Act (1990).

The reporting procedures note that all staff within the Board are responsible to report information pertaining to abuse or neglect. It states that information about abuse or neglect should be phoned to a child protection agency straightaway. If the reporting staff member is

doubtful about filing a report, he/she can contact a child protection agency for consultation (Tri-County Regional School Board, Policy and Procedures, 2008, Appendix A, s. 1).

The reporting document also states that employees who suspect child abuse or neglect should inform the principal (or designate). It mentions that if a disagreement arises between the principal and the employee, the person with suspicions of abuse and/or neglect are to make a report to an external agency. The policy and procedure document includes a referral form is included in an appendix. The form is to be completed, in detail, by a teacher and principal for cases of suspected child abuse and neglect prior to reporting his/her suspicions to a child protection agency. The principal (or designate) is then to immediately inform the Board Superintendent of the referral (Tri-County Regional School Board, Policy and Procedures, 2008, Appendix A, s. 3).

The Tri-County Regional School Board policy and procedure document regarding reporting suspected abuse of students directly outlines the role of external agencies. Specifically, the Child Abuse and Neglect document acknowledges that a child protection agency will determine if there are sufficient grounds to investigate a report, to investigate suspected cases of abuse and neglect, to interview the child and other pertinent parties, to take a child into care, to notify family members, and to communicate with other external agencies (Tri-County Regional School Board, Policy and Procedures, 2008, Appendix A).

### **Summary: Child Abuse Reporting Policies**

All of Nova Scotia's public school boards have established policies and procedures pertaining to reporting suspected child abuse that can be accessed through each board's website. The contents found within each board's reporting suspected child abuse policy documents including definitions, duty-to-report procedures, ways of promoting safe and healthy school

environments, and education/training of staff in accordance with the Nova Scotia Children and Family Services Act (1990) and the Education Act (1995-1996) were variable.

### **School Board Training of Personnel about Child Abuse Reporting**

Research finds that, generally, school staff are inadequately trained to detect signs of abuse (Kenny, 2004; Stewchuk, 2014), are overwhelmed by potential consequences of filing unfounded reports (Abrahams et al., 1992), and/or are under the assumption that another member of staff will report the suspected abuse (Crenshaw et al., 1995). Considering this, research indicates that some teachers (and other school personnel) are neither sufficiently knowledgeable about nor at ease with child abuse reporting procedures (Kenny, 2004). Researchers have suggested that teachers need to receive regular training in child abuse reporting (Dombrowski & Grischler, 2003; Kenny, 2001). To be specific, Kenny's (2001) research found that teachers reported that their pre-service and post-service (on the job training) did not prepare them to report child abuse. Kenny (2001) also indicated that teachers require more training before they begin to teach and throughout their careers to help their understanding of their legal responsibility to report child abuse and guide them through proper reporting protocol. An analysis of Nova Scotia's eight school board policies pertaining to child abuse reporting, the ways in which and the frequency of which school personnel are educated/trained in of child abuse reporting is provided below.

### **Learning About Child Abuse Reporting**

Three of the eight school board child abuse reporting documents mention the way(s) in which school personnel learn about child abuse and how to report it in very general terms. Specifically, the Halifax Regional School Board policy document states that its aim is to ensure that all employees are provided with the necessary information to fulfill their legal duty to report

suspected abuse (Halifax Regional School Board, School Administration Policy, 2012). The South Shore Regional School Board policy document notes that school principals are responsible for providing the necessary reporting information to its staff (South Shore Regional School Board, Programs and Student Services, Administrative Procedure, 2012). Further, Conseil Scolaire Acadien Provincial's child abuse reporting document mentions that employees must read and be knowledgeable about relevant child abuse reporting information (Conseil Scolaire Acadien Provincial, Procédure Administrative, 1997). These three boards' policy documents, however, do not clarify the processes by which school personnel receive or retrieve information to aid in the detection and reporting of suspected child abuse. The remaining five policy documents do not include information about how school personnel become better acquainted with current or updated child abuse information and/or with reporting processes.

### **Frequency of Training**

Two of the school board policies contain information about the frequency of school professional development regarding child abuse reporting. Specifically, the Strait Regional School Board indicates that it will provide professional development regarding its child abuse reporting policy to all regular school personnel, although the policy document does not specify how or when regular personnel receive information pertaining to child abuse reporting. The Strait Regional School Board document, however, notes that it will provide annual updates to it when new staff members are hired (Strait Regional School Board, Student Activities and Welfare, Protection of Students, 2004). The Strait board document does not explain if the updates will be given to both regular and new staff, how the updates differ from child abuse reporting content provided to regular personnel, if/how regular personnel maintain their knowledge/development in the area of child abuse reporting if new staff are not hired, and

if/how/when school staff will be provided with information pertaining to policy and legislative changes between the hiring of new staff. The Tri-County Regional School Board child abuse reporting document noted that principals should periodically familiarize staff with information about reporting abuse (Tri-County Regional School Board, Policy and Procedures, 2008). The Tri-County Regional School Board document, however, does not specify what it means by periodically. The remaining six school boards do not include information pertaining to frequency of training within their child abuse reporting policies.

### **Summary: Training School Personnel**

Considering the contents of Nova Scotia's eight school board policies about child abuse reporting, it is evident that they lack specific information about how, when, and how often school personnel will be trained. Additionally, when the policy documents include information regarding child abuse reporting training and education, the information often lacks specificity.

### **Similarities and Dissimilarities between Board Policies and the Children and Family Services Act (1990)**

Nova Scotia's Children and Family Services Act (1990) outlines the mandate for intervention by child welfare agencies. The Act (1990) details the basis for which a child may be found to be in need of protective services or identified as a victim of abuse and/or neglect. It also stipulates the grounds under which a child may be taken into the care of child protective services. Despite the provision of clear reporting guidelines in the Act (1990), suspected child abuse and neglect are commonly underreported. This underreporting is at least partly explained by research that found that schools are often not adequately prepared to deal with child abuse and neglect (Egu & Weiss, 2003). Additionally, research found that school staff are not effectively trained to detect signs of abuse (Kenny, 2004); are fearful of potential consequences of filing questionable

reports (Abrahams et al., 1992); and/or are under the assumption that someone else will report the abuse (Crenshaw et al., 1995). Research has also indicated that teachers (and other school staff members) are neither sufficiently knowledgeable about nor at ease with reporting procedures (Kenny, 2004).

### **Important Definitions**

To foster an understanding of board procedures pertaining to reported child abuse and/or neglect in its school community members, all eight of Nova Scotia's school board documents define and describe important duty-to-report concepts. The Nova Scotia Children and Family Services Act (1990) defines the term child, details the basis for which a child may be found to require protective services, and outlines the situations in which a child may be identified as a victim of abuse and/or neglect. The ways in which Nova Scotia's eight public school boards' duty-to-report terminology and procedures align or misalign with the Children and Family Services Act (1990) will be examined.

**Child.** Per Section 3(1)(e) of the Children and Family Services Act (1990), a child is defined as an individual who is below the age of 16 years. Six of the eight school board documents explicitly define the term child, in alignment with the Children and Family Services Act (1990), in their respective policy documents. Namely, the Annapolis Valley Regional School Board, Chignecto-Central Regional School Board, Conseil Scolaire Acadien Provincial, Halifax Regional School Board, Strait Regional School Board, and the Tri-County Regional School Board. The boards that do not define the term child in their policies are the Cape Breton-Victoria Regional School Board and the South Shore Regional School Board. The Chignecto-Central refers to section 22 in its policy document and describes a child in need of protection, however, the version of the Act to which it refers was amended in 1996 and is outdated.

**Child in need of protection.** Section 22 of the Children and Family Services Act (1990) provides a detailed list of circumstances in which a child may be at substantial risk of suffering abuse/neglect and may require protection. Pursuant to the situations listed in Section 22, two of the school board documents include Section 22 (and its contents) within their policy and procedure documents (Halifax Regional School Board and Tri-County Regional School Board; Children and Family Services Act, 1990).

Three of the school boards, namely the Annapolis Valley Regional School Board, Conseil Scolaire Acadien Provincial, and South Shore Regional School Board, refer to the Children and Family Services Act (1990) rather than incorporating Section 22 within their policy and procedure documents (Annapolis Valley Regional School Board, Human Resources, 2004c; Annapolis Valley Regional School Board, Human Resources, 2004d; Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012).

Two of eight public school board policy documents, namely the Strait Regional School Board document and the Cape Breton-Victoria Regional School Board document, neither include nor reference Section 22 of the Children and Family Services Act (1990; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004; Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013).

**Abuse and neglect.** The Nova Scotia Children and Family Services Act (1990) does not explicitly define the terms abuse and neglect. The Act (1990), however, describes situations in which a child may require protection from abuse and neglect (s. 22(2)). Four school board policies, Annapolis Valley Regional School Board, Conseil Scolaire Acadien Provincial, Halifax Regional School Board, and Tri-County Regional School Board, refer to the Children and



Family Services Act (1990) to clarify the terms abuse or neglect (Annapolis Valley Regional School Board, Human Resources, 2004c; Annapolis Valley Regional School Board, Human Resources, 2004d; Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; Halifax Regional School Board, School Administration, Policy, 2013; Tri-County Regional School Board, Policy and Procedures, 2008). The Chignecto-Central Regional School Board and the South Shore Regional School Board policy documents refer to Section 22 of the Children and Family Services Act (1990), though they also detail their own definitions of abuse and neglect (Chignecto-Central Regional School Board, Education Services, n.d.; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012). Two of the school board documents, Cape Breton-Victoria Regional School Board and Strait Regional School Board, do not reference the Nova Scotia Children and Family Services Act (1990) but provide their own definitions of abuse and neglect (Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004). Without reference to the Criminal Code of Canada (1985) or the Children and Family Services Act (1990) when defining or describing the terms abuse and neglect, the policy documents do not make clear to school personnel where the definitions originated. The personnel may incorrectly assume that the definitions are aligned with those provided in relevant federal and/or provincial legislation. Lack of references (legal or otherwise) may also lead a school staff member to doubt whether the definitions and the remainder of the policy document are accurate and updated. With this in mind, the Boards may have created their own definitions which may or may not represent the law, upon which the policy ought to be based.

## **Duty-to-Report Procedures**

The Nova Scotia Children and Family Services Act (1990) clearly lists duty-to-report guidelines for individuals, who in their professional duties with respect to children, suspect that the child is in need of protective services due to abuse and/or neglect. Nova Scotia's eight school board documents all provide some information designed to inform school staff members of their legal responsibilities to report child abuse and/or neglect and to provide them with straightforward reporting procedures. The extent to which the school board reporting policies align with the Children and Family Services Act's (1990) reporting procedures are as follows.

**Section 24 (2).** The Children and Family Services Act (1990) indicates that any professional, whose duties pertain to children, who has reasonable grounds to assume that a child may be, may have been, and/or may become the victim of abuse must immediately report the suspicion and the information upon which it is based on to a child protection agency (s. 24(2)(a)(b)). All eight of Nova Scotia's school boards have child abuse reporting guidelines for school staff, who suspect child abuse, within their policy documents. The ways in which a school staff member is asked to report his/her suspicions differ between boards.

In accordance with Sections 24 (a) and 24(b) of the Children and Family Services Act (1990), half of the school board policies regarding abuse reporting note that a school staff member is obligated to report suspicions of child abuse and the information it is based upon to a child protection agency. Within their policies, the Annapolis Valley Regional School Board, Cape Breton-Victoria Regional School Board, and Strait Regional School Board explicitly state that the school staff member is legally obligated to report suspected child abuse whereas the Halifax Regional School Board simply notes an obligation to report (Annapolis Valley Regional School Board, Human Resources, 2004c; Cape Breton-Victoria Regional School Board, Policy

and Administrative Procedures, 2013; Halifax Regional School Board, School Administration, Policy, 2013; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004). Furthermore, the Strait Regional School Board policy document does not mention that a school staff member must immediately report his/her suspicions, rather, it notes that the staff member should simply report the alleged abuse.

In terms of the remaining four school board policy documents, the information provided to school staff regarding reporting suspected child abuse is misaligned with the duty-to-report guidelines of the Children and Family Services Act (1990) and presents contradictory reporting information within the documents. Specifically, the Chignecto Central Regional School Board, South Shore Regional School Board, and the Tri-County Regional School policy documents clearly state that their guidelines are congruent with those presented in the Children and Family Services Act (1990), however, all three boards also suggest that a principal, supervisor, or designate should be informed or consulted prior to making a report (Chignecto-Central Regional School Board, Education Services, n.d.; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012; Tri-County Regional School Board, Policy and Procedures, 2008). Conseil Scolaire Acadien Provincial policy document suggests that, in some cases, parents should be consulted prior to making a report, unless the family are alleged perpetrators of abuse (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997). Additionally, the Conseil Scolaire Acadien Provincial child abuse reporting document also mentions that the school principal, counsellor, or a representative from a child protection agency can be consulted about whether a staff member should report suspected abuse to an agency (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997)

**Section 24 (3).** Section 24(3) of the Children and Family Services Act (1990) notes that suspected abuse must be reported to an agency irrespective of whether the information reported is confidential or privileged. Six of the eight reporting child abuse policy documents, Annapolis Valley Regional School Board, Cape Breton-Victoria Regional School Board, Halifax Regional School Board, South Shore Community School Board, Strait Regional School Board, and Tri-County Regional School Board documents, refer to and/or detail Section 24(3) of the Children and Family Services Act (1990; Annapolis Valley Regional School Board, Human Resources, 2004c; Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, Procedure 2., 2013; Halifax Regional School Board, School Administration, Policy, Appendix A, 2013; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, Principles, s. 1.1.4., 2012; Strait Regional School Board, Student Activities and Welfare Protection of Students, Guidelines, 2., 2004; Tri-County Regional School Board, Policy and Procedures, Appendix A, 2008). The Chignecto-Central Regional School Board and the Conseil Scolaire Acadien Provincial do not mention that school staff members are legally obligated to report suspected child abuse to an agency, even if the information upon which it is based is confidential or privileged in nature.

**Section 24 (4).** The Children and Family Services Act (1990) also details that it is the obligation of the individual who suspects that child abuse is, has been, or will occur to report their suspicions and the information upon which it is based to an agency (s. 24 (4)). The Annapolis Valley Regional School Board, the Cape Breton-Victoria Regional School Board, the Halifax Regional School Board, and the Tri-County Regional School Board policy documents indicate that the individual who holds suspicion about child abuse is responsible to report the suspected abuse to the appropriate agency (Annapolis Valley Regional School Board, Human

Resources, 2004c; Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, Procedure 3., 2013; Halifax Regional School Board, School Administration, Policy, Appendix A, 2013; Tri-County Regional School Board, Policy and Procedures, Appendix A, 2008. The Chignecto-Central Regional School Board, the Conseil Scolaire Acadien Provincial, the South Shore Regional School Board, and the Strait Regional School Board policy documents do not directly reference Section 24(4) of the Children and Family Services Act (1990)

**Section 24 (5).** Section 24(5) of the Children and Family Services Act (1990) indicates that no legal action will be taken against to an individual who reports suspected child abuse to an agency, unless the reporting is done falsely and maliciously. The Tri-County Regional Board documents explicitly references and details Section 24(5) of the Children and Family Services Act (1990; Tri-County Regional School Board, Policy and Procedures, Appendix A, 2008). The Annapolis Valley Regional School Board document simply notes that there is legal protection offered and refers to the relevant Sections of the Children and Family Services Act (1990; Annapolis Valley Regional School Board, Human Resources, 2004d, s. 7.0).

Without reference to the Act (1990), the Conseil Scolaire Acadien Provincial document explains that those who report alleged child abuse will be protected against judiciary proceedings and the Strait Regional School Board document notes that it will not tolerate malicious reports (Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004).

The Cape Breton-Victoria Regional School Board, the Chignecto-Central Regional School Board, the Halifax Regional School Board, and the South Shore Regional School Board reporting child abuse policies do not reference or describe Section 24(5) of the Children and Family Services Act (1990; Cape Breton-Victoria Regional School Board, Policy and

Administrative Procedures, 2013; Chignecto-Central Regional School Board, Education Services, n.d.; Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012).

**Section 24 (6).** Section 24(6) specifies that an individual, who does not report his/her suspicions of child abuse to an agency, is guilty of an offence (Children and Family Services Act, 1990). Further, upon summary conviction, that individual is liable to a maximum fine of five thousand dollars and/or to a maximum of one year of imprisonment (Children and Family Services Act, 1990, s. 24 (6)).

Only two of the eight school board policy documents refer to legal penalties associated with failure to report suspected child abuse: Annapolis Valley Regional School Board and Tri-County Regional School Board (Annapolis Valley Regional School Board, Human Resources, 2004d; Tri-County Regional School Board, Policy and Procedures, 2008). The Cape Breton-Victoria Regional School Board, Chignecto-Central Regional School Board, Conseil Scolaire Acadien Provincial, Halifax Regional School Board, South Shore Regional School Board, and Strait Regional School Board documents pertaining to child abuse reporting fail to mention legal penalties or reference Section 24(6) of the Children and Family Services Act (1990; Cape Breton-Victoria Regional School Board, Policy and Administrative Procedures, 2013; Chignecto-Central Regional School Board, Education Services, n.d.; Conseil Scolaire Acadien Provincial, Directive Administrative, 1997; Halifax Regional School Board, School Administration, Policy, 2013; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004).

## **Similarities and Dissimilarities between Board Policies and the Education Act (1995-1996)**

The Education Act (1995-1996) offers guidance to publicly funded schools in Nova Scotia in various matters affecting school community members. The Act (1995-1996) indicates that school boards are mandated to provide education programs and services for students, that could aid them in the development of their skills, knowledge, attitudes, and potential to contribute to a healthy, prosperous, and sustainable society (1995-96, c. 1, s. 2). Importantly, the Education Act (1995-1996) indicates that Nova Scotia school boards are required to create policies that aim to protect their school community members from abuse and harassment (c. 1, s. 64 (2)(t)). With these legislative considerations, the ways that the Nova Scotia public school board policy documents align with the requirement of protection policies to create safe, quality learning environments for students and personnel, as described in the Nova Scotia Education Act (1995-1996) will be examined.

### **64(2)(t): Policies Protecting from Abuse and Harassment**

Section 64(2)(t) of the Education Act (1995-1996) indicates that school boards must establish a policy pertaining to the protection of students and school employees from abuse and harassment. All of Nova Scotia's public school boards have established policies that aim to protect children against abuse.

### **64(2)(f): Safe, Quality Learning Environments**

Section 64(2)(f) of the Education Act (1995-1996) indicates that Boards shall promote its schools as safe, quality learning environments and as resources in the community. Two of the eight school board policy documents, Cape Breton-Victoria Regional School Board and Strait Regional School Board documents, explicitly mention that students within their schools have a right to a quality education free from abuse and neglect (Cape Breton-Victoria Regional School

Board, Policy and Administrative Procedures, 2013; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004).

Two other school board documents, Chignecto-Central Regional School Board and Halifax Regional School Board documents, indicate that children/students must be protected against abuse of any kind. Conseil Scolaire Acadien Provincial and South Shore Regional School Board policy documents note that the protection of its students from abuse is a shared responsibility of school community members. The Annapolis Valley Regional School Board and the Tri-County Regional School Board documents, however, fail to mention/promote their schools as safe, quality learning environments (Annapolis Valley Regional School Board, Human Resources, 2004c; Annapolis Valley Regional School Board, Human Resources, 2004d; Tri-County Regional School Board, Policy and Procedures, 2008).

Four of the school board policies refer to separate documents that directly focus on matters such as student safety/protection, maintaining healthy schools, protection against third party abuse, developing cultural appreciation, and understanding human rights. Specifically, the Annapolis Valley School Board, the Halifax Regional School Board, the South Shore Regional School Board, and the Strait Regional School Board policy documents, refer to said documents (Annapolis Valley Regional School Board, Human Resources, 2004c; Annapolis Valley Regional School Board, Human Resources, 2004d; Halifax Regional School Board, School Administration, Policy, 2013; South Shore Regional School Board, Programs and Student Services, Administrative Procedures, 2012; Strait Regional School Board, Student Activities and Welfare Protection of Students, 2004).



## **Summary: Similarities and Dissimilarities between Board Policies and Provincial Legislation**

**Children and Family Services Act (1990).** One could arguably assume that all of Nova Scotia's public school boards state that aim to clarify important terms within their reporting child abuse policy documents. Though all the policy documents include and refer to important definitions, only some of the boards provide definitions that align with those presented in the Children and Family Services Act (1990). Six of the eight school boards provide a definition of the term child, as outlined in the Children and Family Services Act (1990). For the term child in need of protection, six of the eight school board documents explicitly use the descriptions found within or referenced to pertinent sections of the Children and Family Services Act (1990). Half of the school boards provide their own definitions of abuse and neglect instead of making use of the descriptions provided within the Children and Family Services Act (1990).

Regarding duty-to-report protocol for school staff members, half of the school board policy documents note that professionals working with children have a legal obligation to report suspected abuse and the information it was based on to the appropriate agency (Children and Family Services Act, 1990, c. 5, s. 24 (a)(b)). Six of the eight school board documents indicate that suspected child abuse must be reported even if the information it is based upon is confidential or privileged in nature (Children and Family Services Act, 1990, c. 5, s. 24(3)). Five of the eight board documents indicate that it is the responsibility of individual staff member who suspects the abuse to report it to the appropriate agency (Children and Family Services Act, 1990, c. 5, s. 24(4)). Finally, five school board documents mention legal protections for those who report suspected child abuse and two mentioned legal penalties associated with failure to report suspected abuse (Children and Family Services Act, 1990, c. 5, s. 24(5)(6)).

**Education Act (1995-1996).** All eight of Nova Scotia's public school boards have established reporting child abuse policies for their respective jurisdictions. Six of the eight school board policies mention the importance of assuring that their students receive quality educations free from harm and/or that they receive protection from abuse, which is a shared responsibility of all school board community members.

## CHAPTER THREE: DISCUSSION

### **Nova Scotia School Board Structure**

There are eight public school boards in Nova Scotia that operate under the Minister of Education (Education Act, 1995-1996, c. 1, s. 64(1)). Amongst other things, the boards differ in number of schools within their jurisdiction, geographic size, number of students, number of personnel, and primary language of instruction.

The Halifax Regional School Board has the largest number of schools (136) of any school board in Atlantic Canada (Halifax Regional School Board, 2016a). Conseil Scolaire Acadien Provincial, South Shore Regional School Board, Strait Regional School Board, and Tri-County Regional School Board have the fewest number of schools within their jurisdictions (22 in Conseil Scolaire Acadien Provincial, 26 in South Shore Regional School Board, 21 Strait Regional School Board, and 25 in Tri-County Regional School Board; Conseil Scolaire Acadien Provincial, 2015; South Shore Regional School Board, 2015; Strait Regional School Board, 2015; Tri-County Regional School Board, 2016).

Conseil Scolaire Acadien Provincial is the largest in geographic size, spanning the entire province of Nova Scotia (Conseil Scolaire Acadien Provincial, 2015). Cape Breton-Victoria Regional School Board functions exclusively on Cape Breton Island and is the smallest in geographic size (3,238 km<sup>2</sup>; Cape Breton-Victoria Regional School Board, 2013).

Amongst Nova Scotia's public school boards, Halifax Regional School Board serves the largest number of students (48,000) and employs the greatest number of staff (9,000; Halifax Regional School Board, 2016a). Conseil Scolaire Acadien Provincial provides educational services to the smallest number of students (4,800) and employs the fewest staff (600; Conseil Scolaire Acadien Provincial, 2015).

Regarding primary language of instruction, all but one board in Nova Scotia provides educational services to its students in English. Conseil Scolaire Acadien Provincial provides instruction to its students primarily in French (Conseil Scolaire Acadien Provincial, 2015).

### **School Boards' Child Abuse Reporting Policies**

Pursuant to section 64(2)(t) of the Education Act (1995-1996), all of Nova Scotia's public school boards have established policies and procedures pertaining to reporting suspected child abuse. Each board has at least one policy and/or procedures document that can be accessed online through the board's website.

#### **Policy Name**

Generally, each school board's child abuse reporting document has a title that informs its reader about what the policy will contain. All but one board policy, the Strait Regional School Board's Protection of Students policy, contain the words *child*, *abuse*, *neglect*, and/or *reporting*. The Strait Regional School Board's document lacks specificity and could misinform the reader about its contents. Specifically, there are numerous ways in which and reasons for which a child may require protection such as bullying, discrimination, violence/harm, illegal activity, etc. (Nova Scotia Department of Education, 2015). A reader may think that the Protection of Students policy contains helpful information pertaining to important topics such as bullying or discrimination, when it actually focuses on reporting abuse and neglect. Furthermore, school personnel seeking information regarding reporting child abuse may find it difficult to locate the document describing child abuse reporting protocol.

#### **Publication Dates**

All but one of the eight board policy documents include a date that they first became effective. The Tri-County Regional School Board document only indicates the date of its last

revision. The publication dates range from the 1997 to 2013, with only half of the boards' documents specifying the frequency of policy reviews. The Conseil Scolaire Acadien Provincial school board's policy was the oldest found. It was created in 1997 and does not include information about any revisions. At the other end of the spectrum is Cape Breton-Victoria Regional School Board's policy states that it was adopted in 2013 and is reviewed every three years. Considering this, Children and Family Services Act (1990) and the Education Act (1994-1995) have been amended nine times and 24 times, respectively, since becoming effective. This means that many of Nova Scotia's public school board policies pertaining to child abuse reporting are outdated and are informing board personnel of protocols that are incongruent with current legislation.

### **Location**

All of the school board child abuse reporting documents were accessible online through each board's website. The board websites include one or more navigational pathways to access their reporting policy documents. Arguably, the most challenging website to navigate for Anglophones would be Conseil Scolaire Acadien Provincial's website, however, personnel working within the board are able to read French with understanding and would easily navigate the site. The Annapolis Valley, South Shore, and Tri-County Regional School Boards also have websites that allowed simple, intuitive navigation to their child abuse reporting policies. Cape Breton-Victoria, Chignecto-Central, and Strait Regional School Board websites were relatively more challenging to navigate, as the pathways to reach the desired reporting documents were not always direct or logical and the navigational buttons were not labelled in clear or accurately descriptive ways.

With these considerations in mind, the reporting documents were found on all of the board websites within approximately five navigational steps or less. In a time where searching for documents online is, generally, more common than locating a hard copy of documents to read, the websites allow for anyone to search and find relevant child abuse reporting documents online. In the process, the site visitors will likely come across similar and/or related documents, such as documents pertaining inter-agency protocols or protocol for reporting third-party child abuse.

## **Policy Content: Policy Statements, Legal References, Important Definitions, and Reporting Procedures**

### **Policy Statements**

All of Nova Scotia's public school board child abuse reporting policies contained a policy statement. The statements typically described the purpose of the document, the responsibilities of school personnel/community members, and the legislative framework upon which the documents are based. Generally, the Board policy statements differ in length, with most Board statements consisting of brief paragraphs (Cape Breton-Victoria Regional School Board, Chignecto-Central Regional School Board, Halifax Regional School Board, Strait Regional School Board, Tri-County Regional School Board) while the remainder of the Board statements were approximately a page in length (Annapolis Valley Regional School Board, Conseil Scolaire Acadien Provincial, South Shore Regional School Board)

### **Legislative References**

Five of the eight schools refer solely to the Children and Family Services Act (1990) in the child abuse reporting policies. Halifax Regional School Board policy document includes reference to both the Education Act (1995-1996) and the Children and Family Services Act

(1990), while Cape Breton-Victoria Regional School Board and the Strait Regional School Board fail to reference any legislation in their documents. Additionally, although some of the board policies reference relevant legislation, some of their content does not align with the current content of the legislative documents. Some of the misalignment is likely due to the fact that policy documents have not been updated to reference current legislation.

### **Important Definitions**

Variability exists amongst how the reporting child abuse documents from the public school boards in Nova Scotia use and/or define the terms child, child in need of protection, abuse, and neglect. Though some documents refer to and/or directly quote relevant legal definitions and descriptions of terms from the Children and Family Services Act (1990), some do not. Some boards appear to have created their own definitions or have used an uncited source to derive definitions of important terms. Without reference to the Criminal Code of Canada (1985) or the Children and Family Services Act (1990) when defining or describing the important terms: child, a child in need of protection, abuse, and neglect, the policy documents do not make clear to school personnel where the definitions originated and do not make evident that the terms are potentially created by board policy makers. The public school boards that directly quote definitions of child, child in need of protection, abuse, and neglect are generally accurate, unless the board policy document refers to an outdated version of the Children and Family Services Act (1990). Otherwise, the definitions of important terms vary across boards and differ from the definitions described in the Children and Family Services Act (1990). The Board policies that do not directly quote the description of child, child in need of protection, abuse, and neglect may be informative, however, the Boards may have failed to consider that definitions in the Children and Family Services Act (1990) are also used by other agencies (i.e., child protection agencies,

police) and that having common terminology can facilitate communication between parties involved with cases of suspected child abuse. Additionally, school personnel may erroneously suppose that the definitions are aligned with those stated in relevant federal and/or provincial legislation. Absence of references (legal or otherwise) may also create doubts for a school staff member as to whether the definitions and the remainder of the policy document is accurate and updated.

### **Reporting Procedures**

Half of Nova Scotia's public school board reporting documents note that professionals working with children have a legal obligation to report suspected abuse/neglect and the information upon which the suspected abuse/neglect is based on to the appropriate agency (Children and Family Services Act, 1990, c. 5, s. 24 (a)(b)). Six of the eight school boards indicate that suspected child abuse must be reported even if the information it is based upon is confidential or privileged in nature (Children and Family Services Act, 1990, c. 5, s. 24(3)). Five of the eight boards indicate that it is the individual staff member who suspects the abuse who must report it to the appropriate agency (Children and Family Services Act, 1990, c. 5, s. 24(4)). Finally, five school boards mention legal protections for those who report suspected child abuse and three mentioned legal penalties associated with failure to report suspected abuse (Children and Family Services Act, 1990, c. 5, s. 24(5)(6)).

It can be reasonably argued that child abuse reporting policies have been established to both protect children who need it by increasing reporting of suspected abuse. If only half of Nova Scotia's school board reporting abuse policies state that school staff have a legal obligation to report, staff may not place sufficient importance on reporting abuse, may not report suspected abuse, and may fail to protect children who require aid. Although a majority of the Board



policies describe that legal protections exist for those who report suspected child abuse in good faith, not all of the boards do. Further, only three board policies detail legal penalties that can be associated with reporting child abuse. With this in mind, school staff may not make fully informed decisions about reporting child abuse. It is promising, however, that the majority of school board child abuse reporting policies mention that information about suspected child abuse, whether confidential or privileged, must be reported by the individual who suspects the abuse.

### **Professional Development**

Researchers have suggested that teachers need to receive regular training in child abuse reporting (Dombrowski & Grischler, 2003; Kenny, 2001). Specifically, Kenny (2001) found that teachers reported that their pre-service and post-service (on the job) training did not ready them to report child abuse. Kenny noted that teachers require more training before they begin to teach and throughout their careers to aid their understanding of their legal responsibility to report child abuse and guide them through proper reporting protocol. Through examination of the contents of Nova Scotia's eight school board child abuse reporting policies, it was evident that the school board policies regarding child abuse reporting lack specific information about how, when, and how often school personnel will be trained. Only three of the eight policies make any mention of the ways in which school personnel in their respective boards can learn about child abuse reporting and that information is vague. Only two of the eight mention the frequency with which the board will provide training.

Individual public Nova Scotia school board child abuse reporting policies ought to include information about the individuals within their boards who are responsible for implementing/updating child abuse reporting policies, about the qualifications of individuals

who provide training, about how school personnel will learn about child abuse reporting procedures, and about how often the professional development will occur. If more consistent training is provided as a result of specific policies about this, school personnel may develop the skills required to detect and report child abuse and may increase their confidence in the area of child abuse reporting.

### **Similarities and Dissimilarities between Board Policies and the Children and Family Services Act (1990)**

All eight of Nova Scotia's public school board policies explain important terminology within their reporting child abuse policy documents. Six of the eight school boards provide a definition of the term child. For the term child in need of protection, five of the eight school boards use the descriptions found within the Children and Family Services Act (1990). Half of the school boards provided their own definitions of abuse and neglect.

With respect to reporting protocol for school staff members, half of the school boards noted that professionals working with children have a legal obligation to report suspected abuse and the information it was based on to the appropriate agency (Children and Family Services Act, 1990, c. 5, s. 24 (a)(b)). Six of the eight school boards indicated that suspected child abuse must be reported even if the information it is based upon is confidential or privileged in nature (Children and Family Services Act, 1990, c. 5, s. 24(3)). Five of the eight boards indicated that it is the individual staff member who suspects the abuse who must report it to the appropriate agency (Children and Family Services Act, 1990, c. 5, s. 24(4)). Finally, five school boards mention legal protections for those who report suspected child abuse and three mentioned legal penalties associated with failure to report suspected abuse (Children and Family Services Act, 1990, c. 5, s. 24(5)(6)).

Taken together, the findings indicate that variability exists in important child abuse reporting procedures and terminology. It is paramount that public school boards across the province abide by the Children and Family Services Act (1990) when developing and amending their child abuse reporting policies. It is important that school personnel feel knowledgeable about legally mandated duty-to-report procedures to promote child abuse reporting when it is suspected by school personnel. It is important for school board documents within the province to have definitions and reporting protocols that reference and align with the Children and Family Services Act (1990) because accurate, clearly written, and provincially consistent policies may help school staff in detecting and reporting abuse irrespective of where they work in the province. Most importantly, school staff who may feel more knowledgeable about how to detect and report abuse may be more likely to report it and protect children who require it.

#### **Similarities and Dissimilarities between Board Policies and Education Act (1995-1996)**

All eight of Nova Scotia's public school boards have established reporting child abuse policies for their respective jurisdictions. Six of the eight school board policy mention the importance of assuring that their students receive quality educations free from harm and/or that they receive protection from abuse, which is a shared responsibility of all school board community members. These findings suggest that in writing, most of the school boards across the province are prioritizing the safety, well-being, and education of children.

#### **Updates to the Children and Family Services Act (1990)**

Nova Scotia school board policies pertaining to reporting suspected child abuse also ought to be closely monitored and frequently updated to equip school board personnel with the most accurate information because although the documents are publicly accessible, school personnel may not refer to the Act (1990) itself. When considering their next update, school

boards need to be aware that amendments to the Nova Scotia Children and Family Services Act (1990) were proclaimed in December, 2016 and came into effect on March 1, 2017. Changes to the Children and Family Services Act (1990) relevant to child abuse reporting are noted below.

### **Child**

The recent amendments to the Children and Family Services Act (1990) include an expansion upon the definition of the term child. Specifically, a child is now defined as an individual under the age of 19 years (Children and Family Services Act, 1990, c. 5, s. 3(f)). Therefore, duty-to-report abuse of a child applies to children up to the age of 18 years. It should be noted, however, the age of a child remains under 16, if the suspected abuse is by someone other than the child's parents/guardians (Children and Family Services Act, 1990, c. 5, s. 25(2)). Expanding the age range of the term child will allow more children to have legal protection, as previously, children older 15 but under 19 years fell into a grey area wherein they were not legally adults (and able to access adult-based services) but they were also not able to be recognized as children in need of protection under the Children and Family Services Act (1990)

### **Emotional abuse**

The amended Act (1990) added a definition of emotional abuse (c. 5, s. 3(1a)). It details acts that seriously impede a child's development, emotional functioning, and attachment to others are considered emotional abuse. Specifically, the definition includes rejecting or isolating a child, depriving him/her of affection or cognitive stimulation, inappropriately criticizing him/her, humiliating him/her, or threatening or accusing him/her (Children and Family Services Act, 1990, c. 5, s. 3 (1)(a)(i-iv)). With an explicit definition of emotional abuse, the Children and Family Services Act (1990) may have focused attention on a form of abuse that is less often recognized and reported to child protection agencies and may be more apt to report their

suspicions of emotional abuse to a child protection agency (e.g., emotional abuse represented only 9% of substantiated reports to child protection agencies in 2008; Public Health Agency of Canada, 2008).

### **Neglect**

Section 3(p) of the Children and Family Services Act (1990) defines the term neglect. It describes neglect as a chronic and serious failure to provide a child with food, clothes, shelter, adequate supervision, affection, cognitive stimulation, and/or any other similar instance (Children and Family Services Act, 1990, c. 5, s. 3(p)). Prior to the recent amendment, the term neglect was described amongst a series of examples alongside the term abuse. With neglect being separate, as a stand-alone term, it may be easier for school personnel and school board policy makers to find and refer to the definition when deciding whether to report their suspicions or when revising child abuse reporting policy documents, respectively.

### **In Need of Protective Services**

The newly amended Act (1990) also supplemented section 22(2) pertaining to a child in need of protective services. The Children and Family Services Act (1990) explains that a child requires protection if he/she is experiencing or is at substantial risk of suffering neglect by his/her parent/guardian (c. 5, s. 22(2)(j)(k)). The Act (1990) details that a child is in need of protection if his/her only parent or guardian has died or is unable to exercise custodial rights and has not made sufficient provision for the child's well-being and custody (c. 5, s. 22(2) (k)(a)). Further, if the child is under the care of an agency or another individual and the parent/guardian fails to resume the child's care or custody due to inability or refusal, they are deemed to be in need of state protection (Children and Family Services Act, 1990, c. 5, s. 22(2) (k)(b)). These recent amendments are beneficial because they further clarify what it means for a child to be in

need of protective services for professionals working with children, for those trying to protect children from harm, and for society, generally.

### **Duty to Report Location of Child**

The recent amendments to section 24(a)(1) of the Children and Family Services Act (1990) note that any individual who receives notice from a child protection agency that there is reasonable and probable cause to think that a child requires protection, shall, upon gaining information that would aid in the location of the child, immediately report the information to a child protection agency. Furthermore, this information must be disclosed whether or not the information is confidential or privileged in nature (Children and Family Services Act, 1990, c. 5, s. 24(a)(2)).

For many years, all individuals, who suspect that a child is being abused or neglected, have had a duty to report their suspicions to an agency (Children and Family Services Act, c. 5, s. 23(1)). Professionals, whose duties place them in contact with children, also have a legal obligation to report suspected abuse or neglect, irrespective of whether or not the information upon which the suspicion was based was confidential or privileged in nature. It could be argued that the recent amendment to the duty-to-report procedures has rightfully clarified the legal responsibility of professionals to further disclose and further aid in protecting children from harm.

The recent amendments to the Children and Family Services Act (1990) affect integral components to understanding and reporting child abuse. Although there are no indications as to when the school board policies must update their reporting policies, failing to do so may provide school personnel with misinformation about child abuse reporting and may, in turn, affect the potential reporting of suspected child abuse. It is, therefore, important that Nova Scotia's school

boards update their child abuse reporting policies to align with recent amendments to the Children and Family Services Act (1990) and provide training to school personnel to provide them with accurate child abuse reporting information.

### **Implications for School Psychologists**

As highly trained mental health experts, school psychologists can fill a variety of roles in a school, such as consultation, evaluation, prevention, and intervention, that place them in a position to detect, prevent, and report suspected child abuse (Sheridan & Gutkin, 2000). As professionals whose line of work puts them in close contact with children, school psychologists are legally bound by the Children and Family Services Act (1990, c. 5, s. 24 (a)(b)) to report their suspicions of abuse to a child protection agency. School psychologists also must consider the ethical code for professional psychologists in Canada: the Canadian Code of Ethics for Psychologists, Third Edition (Canadian Psychological Association, 2001). Four guiding ethical principles namely, Respect for the Dignity of Persons, Responsible Caring, Integrity of Relationships, and Responsibility to Society, can help guide psychologists through the process of detecting, preventing, and reporting abuse.

#### **Principle I: Respect for the Dignity of Persons**

Ranked as highest amongst the Code's four guiding ethical principles, respect for the dignity of persons means psychologists have a responsibility to recognize and treat individuals as people, who have value and who bear rights (Canadian Psychological Association, 2001, s. I). Further, school psychologists must show suitable respect for the understanding, knowledge and experience, and expertise of others (Canadian Psychological Association, 2001, s. I.1). Appropriate respect could mean actively listening to and/or offering support to a child, who shares his account of abuse. Because school psychologists work as a member of an

interdisciplinary team, appropriate respect should also be given to other professionals (Canadian Psychological Association, 2001, s. I.1). School psychologists, especially in situations where abuse is suspected, must aim to use language (in written or oral communication) that maintains and demonstrates respect for all parties involved in the suspected abuse (Canadian Psychological Association, 2001, s. I.3).

Psychologists also have an ethical responsibility to collect, store, and transfer private information about a person under their care in a way that maintains privacy and security of that person's information (Canadian Psychological Association, 2001, s. I.41). Considering this, none of the school board policies describe the ways in which information taken about suspected child abuse, such as notes, reporting forms, a child's written account, should be stored, handled, or transferred. A school psychologist must be prepared to inquire about and take action to prevent breaches in an individual's privacy. For example, a school psychologist may feel uneasy about storing information in an unlocked filing cabinet located in the school's main office or uncomfortable with faxing private information, if he/she is unsure of who has access to the fax machine.

While providing services to a child at school, a school psychologist may become privy to information about child abuse and neglect. A school psychologist is legally obligated by section 24(2) of the Children and Family Services Act (1990) to report his/her suspicions of child abuse to a child protection agency and ethically obligated by the Canadian Code of Ethics for Psychologists to only relay information about the suspected abuse and parties involved to those who have informed consent to know and to relevant external agencies, as justified by law (Canadian Psychological Association, 2001, s. I.43; I.45).



## **Principle II: Responsible Caring**

A basic ethical guide for psychologists is to participate in activities that aid members of society or, at the very least, do no harm (Canadian Psychological Association, 2001, s. II.1; s. II.2). School psychologists must, therefore, practice responsible caring. School psychologists must also be aware of, knowledgeable about, and sympathetic about differences and vulnerabilities of community members and groups when making decisions (Canadian Psychological Association, 2001, s. II.14). Considering this, when considering making a report of child neglect to a child protection agency, a school psychologist may consider the socio-economic situation of a single parent, who sends a child to school without having breakfast a lunch because he/she cannot afford it, may consider establishing support for the family.

Another consideration for a school psychologist, who is in the position to make a report to child protection services, is how his/her actions may put the child or the family at risk (Canadian Psychological Association, 2001, s. II.29). Though the Children and Family Services Act (1990) states that professionals who have sufficient bases to suspect abuse are legally obligated to make a report to child protective services, making a report that is (substantiated or not) may increase violence in the child's home and put the child at risk. The psychologist must also consider that it is his/her ethical responsibility to do everything possible, within reason, to prevent, stop, or circumvent the consequences of others' actions that will likely cause serious harm or death, including making reports to appropriate authorities (Canadian Psychological Association, 2001, s. II.39).

## **Principle III: Integrity in Relationships**

To maintain and promote confidence in the role of the school psychologist and the profession of psychology, a school psychologist must have integrity in the course of their work.

According to principle 3.1, a psychologist should not knowingly partake in, condone, or be associated with misrepresentation, dishonesty, or fraud (Canadian Psychological Association, 2001). Making a report of abuse or being aware of a report that was (or will be made) with malicious and false intent, therefore, would misalign with principle 3.1 (Canadian Psychological Association, 2001). It would also contravene sections 24(5) and 24(6) of the Children and Family Services Act (1990), that note that reports of suspected abuse must be made in good faith, otherwise the individual who made the report may incur legal penalties.

Also, under the integrity in relationships principle, a psychologist must avoid dual relationships, with individuals such as clients, employees, and students and must avoid situations that may create a conflict of interest or bias (Canadian Psychological Association, 2001, s. III.33). With this in mind, many Nova Scotian communities are small and community members are in dual relationships with one another. Psychologists in such situations are in, at times, unavoidable ethical dilemmas because of it (e.g., making a report even though the psychologist knows the family outside of school).

#### **Principle IV: Responsibility to Society**

School psychologists who work within the school community must also be conscious of their ethical responsibility to society, when considering child abuse. To contribute to the society in which they work, school psychologists must be familiar with and abide by the Children and Family Services Act (1990), the Education Act (1995-1996), the school board's reporting child abuse policy, other policies pertaining to safety and protection of school community members, and to other relevant legislation (Canadian Psychological Association, 2001, s. IV. 17). The psychologists also need to consider if the Code and relevant legislation, regulations, or policy

conflict with one another and to try to uphold the Code wherever possible (Canadian Psychological Association, 2001, s. IV. 17).

### **Limitations of the Research**

The research was based on child abuse reporting policies of public school boards in Nova Scotia. The policy content was analyzed and indicated that there are inconsistencies in reporting procedures across the province, that are policy procedures within the province that misalign with aspects of current provincial legislation, and that are lacking information pertaining to school staff education/training. Considering these things, it would seem that the policies aimed at protecting children and providing support to staff relating to child abuse reporting may not be achieving those goals. However, the research is based on the policies alone. Therefore, it is unknown if school personnel abide by their board policies. School personnel may report suspected child abuse by following the Children and Family Services Act (1990) rather than their school board's policy document. Further, education and/or training pertaining to child abuse reporting may take place within individual schools, although it is not explicitly noted within school boards' policy documents.

Additionally, the research is based on policy documents that were accessible online. Through examination of the board policies, it was noted that some of the policy documents were outdated. The school boards, however, may have updated, physical copies available to school personnel within their schools that are not available to the general public.

It should be noted, that the current research is based on public school boards within the province of Nova Scotia. Therefore, information found through the examination of public school board policies is not necessarily generalizable to public school boards in other provinces or to private schools in Nova Scotia.

## **Recommendations**

Variability exists between child abuse reporting policies across public school boards in Nova Scotia. To reduce variability in reporting procedures, to provide practical information to school staff to inform their decision-making, and to aid in staff understanding why each reporting step is necessary and important, it is recommended that an established, province-wide child abuse reporting policy be created in both English and French. It is also recommended that the policy reference and use direct excerpts from the Children and Family Services Act (1990) to clarify important terms and to outline the duty-to-report protocol.

Through examination of the public school board policies pertaining to child abuse reporting, it was clear that some of the policies were not monitored or revised on a regular basis (if at all). Based on this, it is recommended that an annual policy review take place. Additionally, it is suggested that a committee, made up of representatives from each board participate in the annual review of the provincial child abuse reporting policy.

To promote inter-agency collaboration, consistency in reporting protocol, and understanding of roles between schools and external agencies in cases of suspected child abuse/neglect, it is recommended that inter-agency protocols be established within individual school board communities. It is paramount that the inter-agency protocols abide by and make reference to relevant legislation, particularly the Children and Family Services Act (1990).

Through examination of the contents of Nova Scotia's eight school board child abuse reporting policies, it was evident that the school board policies regarding child abuse reporting lack specific information about how, when, and how often school personnel will be trained. Due to noted inconsistencies in training, it is suggested that all school personnel receive thorough training at least once per year, sooner if required. The training would include both experiential

exercises and hypothetical situations to aid school personnel develop the skills required to detect and report child abuse. It is also recommended that school personnel training be consistent across Nova Scotia public school boards, with training on child abuse detection, prevention, and reporting provided by provincially trained trainers.

Amongst school personnel, who are legally mandated reporters, school psychologists are well positioned to detect and report suspected child abuse. They are also able to provide support to colleagues who have reported abuse and to children who have experienced abuse. It is, therefore, important for school psychologists to receive frequent training in the area of child abuse reporting during the school year. It is also essential that graduate students in school psychology programs receive training in child abuse detection and reporting child abuse, as to ensure that they effectively recognize and report child abuse if suspected during their post-graduate experiences.

It is also important that students learn about child abuse and what to do if they suspect or suffer from abuse. Considering this, it is recommended that school boards educate their students each year with age-appropriate information about abuse/neglect and what they should do if they need help/protection.

### **Areas of Future Research**

Within individual reporting child abuse policy documents, very little information was provided on how school personnel could learn information about child abuse reporting through professional development. When (or if) information was provided within the child abuse reporting policy documents, it lacked specificity. Further research is required to assess how these policies are understood and applied within individual schools and Nova Scotia school boards, more generally.

Considering the education and training that school staff receive regarding the detection and reporting of suspected child abuse, an area of future research could pertain to training school personnel receive about child abuse reporting prior to their entry into the workforce. Specifically, an interesting area of study could relate to teacher education programs in Nova Scotia and the courses provided to students about child abuse detection and reporting.

Considerable qualitative and quantitative research on teachers detecting and reporting child abuse within schools has been conducted over the course of the past 30 years (e.g., Public Health Agency of Canada, 2008; Trocmé et al., 2005; Kenny, 2004; Stewchuk, 2014). However, academic literature pertaining to child abuse detection and reporting by other school personnel, such as school counsellors, school psychologists, and school principals, is limited. Therefore, a possible area of future research could examine child abuse detection and reporting of non-teaching personnel in the school community. Research about detection and reporting of suspected child abuse for other school personnel is essential because they also work closely with children in schools and are also legally obligated to report suspected child abuse. It is important to understand barriers to other school personnel learning about, recognizing, and reporting child abuse, so that school boards and their policies could target support toward professional development to these school community members and could help reduce/eliminate barriers to detecting and reporting child abuse that they encounter.

No research (qualitative or quantitative) has been conducted with school personnel within Nova Scotia public school boards regarding their knowledge of child abuse reporting procedures in their school boards. Further, no research has been done on Nova Scotian school personnel and their experiences reporting (or failure to report) suspected child abuse. Qualitative research into

school staff's knowledge of and reporting of child abuse may provide direction to school boards to focus their staff training/professional development on specific child abuse reporting topics.

### **Conclusion**

Research indicates that child abuse in Canada is a substantial public health concern. In 2008, 235,842 child abuse cases were investigated by child protection agencies in Canada (Public Health Agency of Canada, 2008). In that year, the most commonly occurring types of substantiated cases were child neglect (34%), exposure to intimate partner violence (34%) physical abuse (20%), emotional abuse (9%), and sexual abuse (3%) cases (Public Health Agency of Canada, 2008). More recent findings indicate that in 2012- 2013, almost ten thousand child protection referrals were made to child protection agencies in Nova Scotia and of those, 6,601 were investigated by child protection investigations (Nova Scotia Department of Community Services, n.d.). Five hundred and thirty-four of the 6,601 child protection investigations made in 2012-2013, led to a child being removed from the care of his/her parents/guardians and into out-of-home care (Nova Scotia Department of Community Services, n.d.).

Suspected child abuse and neglect are commonly underreported by school personnel (Public Health Agency of Canada, 2008). This underreporting may be explained by research that finds that schools are often ill prepared to deal with child abuse and neglect (Egu & Weiss, 2003). Eight Nova Scotia public school board child abuse reporting policies were examined based on their alignment with federal and provincial legislation. The research found that, while all boards established reporting child abuse policies, the information contained within the documents and the pursuance to federal and provincial legislation varied greatly. Research also

revealed that, between boards, an inconsistent application provincially legislated reporting guidelines and an absence of clear expectations around training school personnel to report suspected child abuse exists. Considering that the effects of child abuse is a strong predictor of psychological maladjustment in youth and with psychological, socio-emotional, and behavioural problems across the lifespan (Benjet, Borges, & Medina-Mora, 2010), it is important for school boards in the province of Nova Scotia to continuously monitor and amend their child abuse reporting policy documents to align with legislation, to outline professional development opportunities for school personnel, to increase school personnel's knowledge of, detection of, and reporting of suspected child abuse, and to contribute to the protection of children from abuse and neglect.



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