

**Policies and Procedures  
for  
Child Care Programs - -**

**Tough  
and  
Sensitive Issues  
Part II**

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***Westcoast Child Care Resource Centre***

*Please note:*

*The information presented is intended to give an overview of policy and procedures in several areas that are titled ‘tough and sensitive issues’. **It is not legal advice.***

*It is recommended that Chapter 8 of the Westcoast INFORM Guide be read as an introduction to legal issues and liability. If legal advice is needed, consult with a qualified lawyer who has the particular expertise the organization requires.*

*This information is presented as a resource for licensed non-profit child care facilities. Westcoast Child Care Resource Centre does not assume responsibility for actions taken based on information provided.*

# Westcoast Child Care Resource Centre

## Tough and Sensitive Issues

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# Westcoast Child Care Resource Centre

## Introduction

Policies and procedures are critical to the effective delivery of quality child care programs. They are built upon the philosophy of the child care programs and the mission statement or purpose of the sponsoring organization.

For more information on policies and procedures and a sample philosophy statement {the foundation for developing child care program policies and procedures}, please refer to:

- **Westcoast INFORM Guide: An Administration Manual for Non-Profit Child Care in B.C.**
- Policies and Procedures for Child Care Programs -- Tough and Sensitive Issues, Part I

“Tough and Sensitive” PART II, like a child care program’s policies and procedures, is a ‘work in progress’. It is designed to:

- provide ideas and facts;
- encourage discussion and support informed decision making;
- alert staff and board members to ‘best practice’ approaches, the legal and other important factors that influence policy; and
- assist each organization in its important work of developing, reviewing and/or revising policies and procedures around sensitive issues related to the service delivery of child care programs.

This second printing of Part II, covers five sensitive issues. And, just like “Tough and Sensitive Issues” (Part I), each topic will include:

- an introduction;
- guidelines; and
- a sample policy and a set of procedures.

Samples are provided for you to consider and to use as a starting place. It is important to keep in mind that all revisions to existing policies and new policies must be reviewed and adopted by the board of directors that is ultimately liable for managing the organization and its programs.

## Supervision of Children

Section 34 of the Child Care Licensing Regulation is intended to ensure that the appropriate staff to child ratio is maintained at all times children are involved in the child care program. The number of staff required is dependent on the number of children who are present. The table in Schedule E of the Child Care Licensing Regulation outlines the appropriate staff to child ratio for various types of child care programs. The Regulation is designed to set minimum standards for the health and safety of children and the quality of their care. It is the responsibility of all licensees to at least meet the minimum requirements of the Regulation.

### Guidelines:

- when a caregiver provides adequate supervision, they are aware of where all children are at all times, what they are doing, are able to proactively respond to the needs of the children or intervene quickly if necessary and consistently perform their duties competently
- the Licensee of the child care program is required to ensure that children in a facility are supervised at all times by an appropriately qualified staff member
- staff to child ratio must be maintained according to the ages of the children, the size of the group and the type of care

*if you have a group of children that are very energetic or have a child who requires additional support, you may consider having extra staff to assist in the day to day tasks (this allows for extra one on one time for the children, may reduce the potential for a stressful situation in which inappropriate actions could occur and provides an adequate standard of care)*

- indoor and outdoor environments must be set up to consider safety factors depending on the age of the children.

### Infants (newborn until walking)

- if the range of infants includes mobile and non-mobile infants, the children may be divided into play areas by mobility level during active times of the day
- if only one caregiver is available in a play area, the caregiver will position herself in the most challenging area or by the least mobile infants
- diapering of infants will be handled/taken care of so the individual child and the group are constantly supervised

- if there are four or more infants, the transition to outdoor time/buggy rides will be done in groups of four infants with one caregiver
- the staff to child ratio may be enhanced to accommodate the needs of children who require additional supports
- while monitors and other devices may be an aid, they are not by themselves an adequate tool for supervision.

## **Toddlers**

- if the range of toddlers includes very mobile and less mobile toddlers, the children may be divided into various play areas by mobility level during certain times of the day
- if only one caregiver is available in a play area, the caregiver will position herself in the most challenging area or by the least mobile toddlers
- the diapering/toileting of toddlers will be handled so the individual child and the group are constantly supervised
- if one of the current challenges in the facility is biting or other aggressive behaviour, staff will be designated at all times to supervise the child, to assist with the management of the behaviour, and to protect the other children
- the number of children in each activity area (e.g. water play, sand play, housekeeping) may be set/limited to allow positive interaction for the children and maximum supervision by the staff
- the staff to child ratio may be enhanced at certain times of the day to accommodate the needs of children who require additional supports
- while monitors and other devices may be an aid, they are not by themselves an adequate tool for supervision.

## **Preschool**

- if only one caregiver is available in a play area, the caregiver will position herself in the most challenging area
- if one of the current challenges is aggressive behaviour, staff will be designated at all times to manage the child's behaviour, including teaching acceptable behaviours, and to protect the other children

- toileting of children will be handled so the individual child and the group are constantly supervised
- the number of children in each activity area (e.g. water play, sand play, housekeeping) may be set/limited to allow positive interactions for the children and maximum supervision by the staff
- the staff to child ratio may be enhanced at certain times of the day to accommodate the needs of children who require additional supports
- the staff to child ratio may be enhanced when the children are in new environments (e.g. field trips) or involved with challenging activities
- while monitors and other devices may be an aid, they are not by themselves an adequate tool for supervision.

## **Kindergarten**

In addition to points above:

- consider that safety measures for preschoolers may not protect kindergarten children as kindergarten children tend to test limits
- kindergarten children alternate between wanting to be independent and needing to be dependant
- limits in the kindergarten classroom may be different than in the child care program and the children may be confused by this as they experience both environments in the same day
- supervision always requires monitoring safe interaction between children
- supervision consistently includes guidance to assist children in deciding what is safe and what is not.

## **School Age**

- environment must allow the children some independence in their activities and choices
- the caregiver must be able to hear and provide easy, ongoing/constant visual checking of the children at all times.

## **Children Who Require Additional Supports**

- supervision typically depends on the developmental abilities of each child
- the supervision needs of the individual child, as well as the needs of the group, must be considered.

## **Fulfilling Legal Obligations**

The Licensee and its employees (child care staff) are responsible for the children's safety at all times. The "duty of care" is of significant importance -- implementing an adequate standard of supervision that meets the licensing requirements means ensuring the child care program is appropriately staffed at all times by competent employees who provide developmentally appropriate program activities in a safe environment.

The Licensee is legally responsible for :

- meeting health and safety standards in terms of the child care facility
- ensuring a safe environment for the children and staff
- preventing injuries and responding to emergencies and health problems if they occur
- maintaining adequate insurance to cover all of the activities and abiding by all expectations outlined in insurance policies knowing that any "wrongful acts" may be considered "Breach of conditions" and may impact on insurance coverage
- fulfilling all obligations as outlined in contracts with funders

## Sample Policy

### **Supervision of School Age Children**

*The Board of Directors and staff of ABC School Age Child Care Society are committed to providing a safe, healthy, quality child care program for all the children by:*

- *ensuring that the minimum staff to child ratio as outlined in the Child Care Licensing Regulation is maintained at all times*
- *appropriately enhancing the staff to child ratio to accommodate the needs of children who require additional support*
- *enhancing the adult to child ratio to one adult to six children for field trips and challenging activities by utilizing practicum students and volunteers*
- *orienting and training all staff in supervision procedures/techniques*
- *ensuring that the children are supervised at all times.*

### **Sample Procedures**

- *daily written sign in/out forms will be completed by the parent/legal guardian and authorized pick-up persons verified by the supervisor*
- *head counts will be done every five minutes and after any transition*
- *if children are divided into small groups, each staff will have a list of the names of children in their group*
- *developmentally appropriate activities will be provided that meet/challenge the needs of all children*
- *a minimum of two staff will be present at all times when a child who requires additional supports is attending the child care program*
- *enrollment and attendance tracking will be done on an on-going basis to ensure staffing ratios meet ABC Child Care Society's policies for typical and enhanced ratios.*

## **Note:**

**Each Licensee should also have policies and procedures for supervision of children related to excursions/field trips, transporting of children, inclusion of children who require additional supports, and guidance.**

***For more information, please refer to:***

- Child Care Licensing Regulation:  
[www.health.gov.bc.ca/ccf/child\\_care.html](http://www.health.gov.bc.ca/ccf/child_care.html)
  
- **Westcoast INFORM Guide: An Administration Manual for Non-Profit Child Care in B.C.**
  
- Volunteers and The Law 2000 edition, available from People's Law School (Public Legal Education Society) or at [www.publiclegaled.bc.ca](http://www.publiclegaled.bc.ca)
  
- Policies and Procedures for Child Care Programs - Tough and Sensitive Issues, Part I:
  - Safety and Security, page 25
  - Arrival and Departure, page 26

## Emergency Planning Flying Solo!

Planning for emergencies such as fire; earthquakes; floods; or interruption of gas, electrical, water or heating service involves many steps including developing a fire and earthquake drill, practicing these drills, preparing the emergency kit, and orientation and training of staff. In some small child care programs, there may be only **one staff person on duty at a time**. In other programs, it may be typical for one staff person to be alone for a period of time at the beginning and/or end of the day.

***How can the licensee plan for all different kinds of emergencies when only one staff person is available to respond?***

***How can one staff person deal with an emergency in a child care facility?***

### Guidelines

**It is important to ensure that:**

- emergency policies and procedures include: evacuation of the facility; relocation to another location; survival in the facility until assistance arrives; and an awareness of the emergency plan for the community/region. They must also reflect situations where only one staff person is on-site to respond to an emergency and to transport/move children.
- plans include procedures to move infants and toddlers (if applicable) and children who require additional supports.
- procedures are written to reflect times the group is outside of the facility.
- families and emergency contacts are aware of emergency policies and procedures and their roles in different types of emergencies.
- at some point, authority for control of the emergency operation may change hands from the licensee to the police, the fire chief and/or the regional emergency team and such procedures are outlined.
- while follow up may vary, the assignment of tasks needs to be considered. While some of the follow up must be done by the staff person involved with the emergency (e.g. completing licensing incident report, and preparing insurance forms) some tasks may be done by other staff and/or board members. When only One staff is involved, the priorities and reasonable time frames for follow up need to be considered.
- the system of fire drills are approved by the local assistant to the fire commissioner and the emergency procedures are posted and practiced. Any changes to policies and/or procedures should be approved by the assistant to the fire commissioner and your Licensing Officer. (You may also want to contact the

regional office of the Provincial Emergency Program for your area for resources to become familiar with community/regional plan).

- staff orientation includes written and verbal information/instructions about emergency policies and procedures covering all types of emergencies (e.g. fire, earthquakes, floods, etc.).
- the staffing schedule is arranged so that new or inexperienced staff are not on a shift alone until they have completed training in all aspects of emergency preparedness, including leading an evacuation and transporting children.
- first aid training requirements are sufficient to deal with emergency situations.
- all types of emergency response procedures are practiced regularly (including evacuation of the facility, relocation to another location, and survival in the facility until assistance arrives).
- the “safe places” in the facility are marked and known to all staff and to the children (if old enough). If your facility has fire doors, the evacuation can take place in stages (e.g. move all children to behind a fire door, and then move all of them to outside the facility).
- depending on the age group, the children may be able to assist - they can be taught to dial 911 or the operator, get the first aid kit, and know the warning signal.

**At all times, staff must have access to:**

- first aid kits and emergency supplies.
- emergency records/consents for all children.
- a telephone.
- emergency telephone numbers which are posted by the phone (on a cell phone) and a list identifying readily available adult/s (including their telephone numbers).
- a telephone list identifying which emergency personnel would be accessed first for each type of emergency.

**When An Emergency Strikes!**

Procedures may vary slightly depending on the type of emergency. However, as child care providers, we have a responsibility to put the needs of the children first and foremost. In developing procedures for different types of emergencies, keep in mind that in order to carry out the procedures, especially when only one staff person is available, we need to ensure our own safety so we can provide a safe environment for the children.

- You will need to decide what action is necessary for each of the potential emergencies - is it evacuation? relocation? remaining in a safe place in the facility?

## **Sample Policy**

### **Emergency Planning**

*The Board of Directors and staff of ABC Child Care Society are committed to providing a safe and healthy environment for all of the children by:*

- *eliminating or at least minimizing any hazards/risks*
- *ensuring First Aid training for all staff*
- *orienting and training all staff in emergency procedures*
- *orienting and training all families and children in emergency procedures*
- *being prepared for all types of emergencies, including fire, earthquakes, floods, ice storms, lack of gas, electrical, water or heat, and*
- *providing the necessary resources for all types of emergencies.*

*When only one staff person is on duty, the children will be cared for in the large playroom adjacent to the washrooms. The emergency equipment bag with the cell phone and the First Aid Kit will be stored beside the designated safe place in this room.*

### **Evacuation/Relocation Procedures**

*If evacuation or relocation is required, the priorities will be to:*

- *collect all the children and attendance list*
- *access the emergency equipment bag, including emergency cards, first aid kit, quarters for the telephone, cell phone with extra battery, battery operated radio, etc.*
- *proceed to the nearest designated safe place*
- *count the number of children to determine if anyone is missing and keep the children together*
- *contact emergency assistance first and then the 'readily available adult'*
- *provide first aid, if necessary*
- *wait for emergency assistance*
- *when another adult is available, contact senior supervisor/manager or designated alternate person and the families*
- *proceed to the designated meeting place*
- *remain with the children until families have picked them up or you have been relieved of duties by the senior/supervisor/manager or designated alternate*
- *complete a Serious Incident Report for Licensing.*

## **Earthquake Procedures**

*Initially, getting to and remaining in a safe place in the facility is the required action. The priorities will be for the one staff person to:*

- *access the emergency equipment bag and proceed to the nearest “safe place” collecting as many children as you can along the way*
- *call the other children to you or direct them to the closest “safe place”*
- *count the number of children to determine if anyone is not accounted for*
- *if there is a gas leak, evacuate with the children*
- *provide first aid, if necessary*
- *listen to the radio for directions*
- *use the phone only if there is life threatening injuries*
- *wait until it is safe to evacuate, and*
- *follow the evacuation procedures.*

## **Follow Up Guidelines**

*The follow up will be similar to the emergency steps outlined when more than one staff person is involved in an emergency response. This will include:*

- *identifying time frames for follow up*
- *reporting to Licensing, the Licensee, the families and emergency personnel, etc.*
- *notifying the insurance company, legal advisors and/or facility owner*
- *dealing with the media*
- *debriefing with the staff person and accessing counseling if necessary*
- *complying with reopening procedures if centre was closed*
- *meeting with all of the families to discuss the effects of the emergency on their children*
- *accessing support and counseling for the families and/or children if necessary*
- *meeting with the children to answer their questions and providing support appropriate to their age/developmental abilities.*

***For more information, please refer to:***

- Child Care Licensing Regulation
  
- **Westcoast INFORM Guide: An Administration Manual for Non-Profit Child Care in B.C.** Chapter 6 Health and Safety
  
- Provincial Emergency Preparedness Team at [www.pep.bc.ca](http://www.pep.bc.ca)
  
- Workers' Compensation Board, Critical Incident Response Program  
[www.worksafebc.com/claims/assets/CIRprogram.pdf](http://www.worksafebc.com/claims/assets/CIRprogram.pdf)

## Complaint Resolution

Child care staff working with the children and families are encouraged to:

- respectfully discuss concerns and questions that may arise with families;
- explain the centre's policies and procedures;
- try to the best of their ability to find mutually acceptable solutions when there are differences; and
- explain decisions that impact on the children and families.

There may be times when an enrolling parent/guardian or a parent/guardian on the enrollment wait list disagrees with a centre decision and/or with a particular policy and procedure that affects or could affect their child. Such differences can often be worked out between the child care staff and parent/guardian. However, if efforts have not led to mutually acceptable solutions, a Licensee and parent/guardian may want to ensure there is an opportunity for a more 'formal' and final review process.

### Guidelines:

- Families typically want to know what factors are considered in making decisions as well as who is involved in decision making.
- Informing families about a complaint resolution process [the steps, who is involved in the decision making and the time lines] assists staff and families to be clear about a 'formal' procedure to try to settle an unresolved concern/complaint.
- When a family requests reconsideration of a decision and/or an opportunity to suggest changes to an existing policy and procedure through complaint resolution procedures, this will allow a final opportunity for the Licensee to ensure it has considered:
  - its obligations to clients and staff
  - related legislation that may be applicable to a particular decision and
  - any applicable funding contractual obligations.

# Sample Policy

## Complaint Resolution

***(Note: This sample assumes an organizational structure with a senior supervisor and a manager of child care programs. You may need to modify it to reflect a different organizational structure.)***

*Child care staff will make reasonable efforts at all times to:*

- maintain positive communication with each family;*
- respond to questions and concerns;*
- explain existing child care policies and procedures; and*
- explain factors considered in decision making.*

*An enrolling parent/guardian or a parent/guardian on a wait list who:*

- disagrees with a decision based on existing policies and procedures*
  - has a complaint they have tried to resolve with the senior supervisor*
- may choose to utilize the XYZ Child Care Society's complaint resolution procedures.*

*Confidentiality will be respected by all parties at all times.*

### **Step #1**

*The parent/guardian will inform the manager as soon as they decide that they want to try to settle a complaint through the complaint resolution procedures.*

*The manager will immediately inform the senior supervisor that a request has been made to utilize the complaint resolution procedures. At this time, the manager may request that relevant documentation be provided.*

*The manager will contact the parent/guardian and senior supervisor to:*

- arrange the date/time/place of a meeting to be held within 7 days of first contact between the family and the manager*
- request that additional written information about the complaint be provided in writing prior to the meeting (if applicable)*
- inform the family that they may ask a family member, community member, or a professional to assist them throughout these procedures.*

*If the parent/guardian selects someone to assist them, they will notify the manager before the day of the meeting.*

*The manager will facilitate a 'face to face' meeting to:*

- *review any written information and listen to the family's perspective;*
- *review the information presented by the senior supervisor;*
- *ask questions to ensure clarity; and*
- *seek a solution that considers the needs of the child/family and the centre and is acceptable to the centre and the family.*

*Within 2 working days following this meeting, the manager will:*

- *prepare a brief written summary of the meeting;*
- *outline any mutually acceptable solutions; and*
- *ensure that a copy is given to the parent/guardian and sr. supervisor.*

*The senior supervisor will place a copy of the summary in the child's file.*

*If mutually acceptable solutions cannot be reached, the manager will inform the parent/guardian that no changes will be implemented.*

*The family will be informed that they may accept this decision or try to settle their complaint via the complaint resolution committee, Step #2.*

## **Step #2**

*If the parent/guardian wishes to proceed to step #2, they will verbally inform the manager within two working days of having received the written summary of the meeting. If the parent/guardian decides to have someone assist them in this process (as in Step #1), they will inform the manager.*

*The manager will immediately contact the complaint resolution committee chairperson who is annually appointed by the board of XYZ Child Care Society.*

*The committee chairperson will contact the two other committee members appointed annually by the board, the parent/guardian and the senior supervisor.*

*The chairperson will facilitate step #2 and ensure that the complaint resolution committee reviews all information that has been presented to date and that a final decision is made within 5 working days of hearing from the manager.*

*The committee chairperson will convene the complaint resolution committee meeting.*

1. *To meet with the parent/guardian (and if applicable someone to assist them), manager and senior supervisor to:*
  - review the information, decisions and solutions proposed to date and*
  - ask questions to seek clarity.*
  
2. *To facilitate a private “in camera” meeting with only the complaint resolution committee members present to:*
  - consider all information presented and*
  - make a final and binding decision.*

*The chairperson will inform the parent/guardian, manager and senior supervisor of the ‘final and binding’ decision in writing within 12 hours of the committee meeting.*

*The senior supervisor will place a copy of the written decision in the child’s file.*

**Next steps:**

*If any follow up work is required, e.g., a change to an existing policy and/or procedure the committee chairperson will discuss this with the manager and tasks will be delegated as appropriate.*

## Release of a Child From a Child Care Facility

The Community Care Facility Act and Child Care Licensing Regulation require that each Licensee develop written policies and implement clear procedures regarding the release of a child from a licensed child care facility.

According to Part 4 – Operations, Division 1, Section 49 and 50 of the Child Care Licensing Regulation:

### Parental access

- 49** (1) A licensee must ensure that a parent has reasonable access to his or her child while the child is in the community care facility.
- (2) A licensee must not provide care to a child unless the licensee has first ensured that the child's parent or emergency contact can be readily contacted while the child is in care.

### Access by others

- 50** If a person is identified under section 57 [*records for each child*] as a person who is not permitted access to a child, a licensee must take reasonable steps to prevent that person from accessing the child.

### Records for each child

- 57** (1) A licensee must keep current records for each child showing the information set out in subsection (2) and the consents referred to in subsection (3).
- (2) A licensee must keep, for each child, a record showing the following information:
- (j) a record of any person who is not permitted access to the child;
- (3) A licensee must have in writing from a parent, and maintain at the community care facility, consent
- (b) to release a child to someone other than the parent.

## Guidelines

Policies and procedures should be developed to define how centre staff will release a child from their facility. It is important to ensure that:

- registration forms include written consent naming the persons that are authorized by the enrolling parent/legal guardian to remove their child from the child care facility.
- written consent for release is also provided on the emergency card in case you are away from the facility and unable to access the child's file.
- if a child's parents are separated or divorced a copy of the custody agreement and/or any other court orders (e.g., refusing one parent access) are in the child's file.
- all information about who staff can release a child to is kept up to date, is accurate and is known by all staff "who need to know".
- if applicable at the centre, comprehensive policies and procedures are implemented if permission is granted for a school aged child to leave the child care facility on his/her own.

## **Sample Policy and Procedures**

### **Release of a Child from the ABC Child Care Society**

*The Board of Directors and staff of ABC Child Care Society are committed to the safe release of each child from the ABC Child Care Centre programs.*

- *When enrolling a child, the enrolling parent/legal guardian must provide written consent on the Registration and Emergency forms naming those persons who are authorized to remove their child from the child care facility.*
- *The senior supervisor of each program will ensure all information provided is filed appropriately and available to all child care program staff.*
- *Once enrolled, the enrolling parent/legal guardian must inform the centre in writing of any changes to the list of authorized persons on the Centre's Registration and Emergency forms.*
- *Staff will only release a child from ABC Child Care Society to the enrolling parent/legal guardian and those persons authorized by the enrolling parent/legal guardian.*
- *All children must be signed out each day on the sign out sheet by an authorized person or the enrolling parent/legal guardian.*
- *If an enrolling parent/legal guardian authorizes a person who is unknown to staff to pick up their child, photo identification will be checked before staff will release a child.*
- *In an emergency situation where no other arrangements for release of a child can be made, ABC Child Care Society may accept authorization for the release of a child from an enrolling parent/legal guardian over the phone.*
- *In ABC's Out of School Care Program an enrolling parent/legal guardian may request permission to allow a school-aged child to leave on his/her own. Written approval of the request must be provided by the senior staff person before such arrangements are finalized and the plan implemented.*

*Considerations will be made based on:*

- *age and developmental stage of a child and needs of a family*
- *safety issues*
- *time of day and*
- *an adult being at home.*

*If the enrolling parent/legal guardian and the Centre agree to the procedures for a child's release on his/her own, the following will be in effect:*

- *a letter of agreement including all release details must be signed by the enrolling parent/legal guardian, dated and signed off by the senior staff person in charge of the program. This agreement will be kept in the child's file.*
- *on a daily basis the child will be signed out by a staff person, at the specified time, but the enrolling parent/legal guardian will take responsibility once the child has been signed out.*
- *if the senior supervisor decides that the release of a child is not appropriate for his/her well-being and safety, permission will not be granted by ABC's Out of School Care Society.*
- *permission once granted may be discontinued if the senior supervisor decides it is not in the best interests for the well-being and safety of a particular child. A letter stating this will be kept in the child's file and authorized persons will be expected to pick up the child at all times.*

***For additional information please refer to related resources:***

***Westcoast Child Care Resource Centre Resources***

- **Westcoast INFORM Guide: An Administration Manual for Non-Profit Child Care in B.C.** Chapter 6, Health and Safety  
  
Chapter 8, Legal Issues and Liability
- Policies and Procedures for Child Care Programs -Tough & Sensitive Issues  
Part I:  
Pick Up, pages 9 - 12  
Custody/Access Arrangements, pages 15 - 16  
Safety and Security, page 25  
Arrival & Departure, pages 25 - 26

**Other Resources**

- Chapter 5, Taking Care, ECEBC
- Community Care Facility Act and Child Care Licensing Regulation

# If an Allegation of Abuse involves a Child Care Centre Employee/Volunteer

## Introduction

This is intended as general information only. For information regarding a specific case, you may wish to contact a lawyer.

As an allegation of abuse typically creates an emotionally charged atmosphere for all involved, it is important to know in advance how an allegation against an employee/volunteer will be dealt with. Understanding the roles and responsibilities of a Licensee and the investigating agencies is a critical part of this policy development. When we use the term 'Licensee', we are referring to the person(s) authorized to make decisions and act on behalf of a sponsoring organization of child care programs (e.g. Child Care Coordinator, Executive Director, Band Manager, Recreation Coordinator, Chair of the Executive Committee etc.).

In B.C. the following legislation/regulation provides information about reporting an allegation of abuse involving a child care employee/volunteer and about who will be involved in an investigation. To ensure compliance, it is the responsibility of each Child Care Licensee to be familiar with all requirements.

### Relevant Legislation/Regulation include:

- Child Care Licensing Regulation – Part 4, Division 3, Section 55 'Notification of illness or injury'; Division 2, Section 51 'Behavioural Guidance' and Section 52 'Harmful actions not permitted'
- Child, Family and Community Service Act – Section 14 outlines 'Duty to Report'
- Community Care and Assisted Living Act - Section 7 outlines 'Standards to be maintained'; Section 23 outlines 'Appointment of an administrator'; Section 15 outlines 'Duties of medical health officer'; and Section 9 outlines 'Inspection of community care facilities'
- Criminal Code of Canada - outlines Criminal Charges that may be laid by the Police

### Policies and Procedures

In order to comply with legislation and regulations and to prepare should such an incident occur, each Licensee should have policies and procedures to cover the reporting requirements as well as the investigation process.

## **Recommended Prior Reading List:**

- Taking Care: A Child Abuse Prevention Manual for Canadian Early Childhood Educators, ECEBC
- B.C. Handbook for Action on Child Abuse and Neglect: for service providers
- **INFORM Guide: An Administration Manual for Non-Profit Child Care in B.C.** Chapters 2, 6 and 8

## **Guidelines**

### **Points to Consider Regarding Reporting Requirements:**

- It is the responsibility of 'any person' who has reasonable grounds to believe a child has been or is being abused to report those suspicions to a Child Protection Worker or a First Nation Child Welfare Agency, and/or to the Police. The person who is reporting is not responsible for proving the suspicions. Failure to report abuse may result in a penalty of \$10,000 and/or six months in jail.
- It is the responsibility of a Child Care Licensee to report any allegation of abuse to the Licensing Officer and/or Medical Health Officer, the Police and to a Child Protection Worker or Band Social Worker.

### **A Child Care Licensee is expected to:**

- complete and submit a 'Child Abuse Reporting Form' (as outlined in 'Taking Care A Child Abuse Prevention Manual for Canadian Early Childhood Educators') to the Police and Child Protection Worker
- be advised of all allegations made
- provide the Medical Health Officer with a plan to ensure the health and safety of all enrolled children while an investigation is underway
- determine, in consultation with those responsible for the investigation, any action that may be taken during and after the investigation (e.g. ensure the implicated employee is not left alone with any child, ensure implicated employee is not in contact with child alleged to have been abused, or suspension of the implicated employee)
- protect the rights of the child/family involved and identify support services
- protect the rights of the implicated employee/volunteer and ensure that confidentiality is maintained

- inform the enrolling parent/guardian of the allegation if advised by those involved with the investigation
- maintain records of the allegation, the investigation and the outcome (e.g. record of telephone calls, dates, time and names/job title of interviewers)
- remedy any health and safety concerns identified during the investigation.

**A Child Care Employee will:**

- inform a representative of the Licensee (e.g. Child Care Coordinator, Executive Director, Band Manager, Recreation Coordinator, Chair of the Executive Committee etc.)
- complete and submit an 'Incident Report' to Licensing
- in a unionized worksite, inform a union representative that an allegation has been reported.

**Key Points to Consider About an Investigation**

- As each situation will have different factors (e.g. organizational structures vary for each licensee, staff job descriptions may vary, local/regional protocols may vary), it is important to consult with those responsible for the investigation in your community: police, licensing and child protection.
- An investigation may be initiated by the Police and/or Licensing and/or the Child Protection Office (Ministry of Children and Family Development or Band Social Worker).
- Whoever initiates the investigation should contact the other two and also contact the Licensee to outline the nature of the allegation.
- The Police will conduct an investigation to determine if a criminal offence has been committed. If there is potential for criminal charges, the Licensing and Child Protection investigation may proceed at the direction of the police. This may include obtaining statements from the child, the alleged offender and other witnesses; obtaining medical opinions; determining whether a suspect should be arrested; and submitting a report to Crown Counsel.
- Once the police have completed their work, Licensing will investigate to determine if there has been a contravention of the Community Care Facility Act and/or the Child Care Licensing Regulation. This investigation may involve a Licensing Officer, the Chief Licensing Officer and, in very serious circumstances, the Medical Health Officer. Licensing will notify the Licensee about the allegation and investigation and require the Licensee to provide a plan that will ensure the

health and safety of the children during the investigation. The Licensing Officer will set up and conduct interviews in cooperation with others if appropriate, review records and determine the depth of the investigation and prepare a final investigation report. A copy of the final report will be provided to the Licensee.

- An investigation by a **delegated** Child Protection Worker or **delegated** Band Social Worker may take place if the child is in immediate danger and needs protection, if the allegation was initiated by the Ministry of Children and Family Development, or if the Police or Licensing request their participation.
- In cooperation with the police, licensing and child protection, the Licensee will need to develop a plan that ensures the health and safety of the children: ensure the employee is not alone with the children in the child care centre and determine the next steps regarding the implicated employee (e.g. ensure the employee is not with the child alleged to have been abused, ensure the employee is not present in the child care facility at all i.e. suspended with or without pay during the investigation).

## **Sample Policy and Procedures**

### ***If an Allegation of Abuse involves a Child Care Centre Employee or Volunteer at ABC Child Care Society***

*ABC Child Care Society is committed to providing a safe and healthy environment for all children and a supportive work environment for staff and volunteers. ABC Child Care Society will:*

- *conduct criminal record checks on all prospective employees and volunteers before they begin to work/volunteer in the child care program*
- *provide orientation and training for all staff outlining appropriate methods of discipline*
- *provide orientation and training for all volunteers outlining appropriate roles and responsibilities*
- *minimize the possibility of an allegation of abuse by ensuring two staff are on the premises at all times when children are present*
- *ensure children are visible and supervised at all times*
- *provide a safe process for a staff/volunteer to report an allegation of abuse by another staff/volunteer*
- *deal expeditiously and cooperatively with all others involved in reporting allegations of abuse*
- *comply with all aspects of ABC Child Care Society's Confidentiality Policies.*

*If an employee/volunteer of ABC Child Care Society becomes suspicious and alleges abuse by an employee/volunteer, they will:*

- *immediately report the allegation of abuse to the Supervisor or, if the Supervisor is the subject of the allegation, to the Child Care Coordinator*
- *report to a Child Protection Worker at the nearest Ministry of Children and Family Development Office*
- *complete the 'Child Abuse Reporting Form' and submit to the Child Care Coordinator at ABC Child Care Society*
- *only discuss anything about the allegation with the Supervisor or Child Care Coordinator and those responsible for conducting the investigation.*

*The Child Care Coordinator with the assistance of the Supervisor will:*

- *immediately report all allegations of abuse to Licensing, the Police and the Child Protection Worker*
- *complete and submit an 'Incident Report' to Licensing*
- *complete and submit 'Child Abuse Reporting Form' (copied from Taking Care: A Child Abuse Prevention Manual for Canadian Early Childhood Educators) to the Police and the Child Protection Worker*
- *if advised by those responsible for the investigation, inform the implicated employee/volunteer that an allegation of abuse has been made and an investigation by the Police, Licensing and/or Child Protection Worker will be conducted*
- *if advised by those responsible for the investigation, inform the enrolling parent/legal guardian that an allegation of abuse has been made that involves their child and outline who is involved with the investigation*
- *in consultation with those responsible for the investigation, decide how to ensure the safety of the children during the investigation*
- *arrange the staff schedule during the investigation to ensure that the implicated employee is only present with the children at the same time as other child care staff and the individual being investigated has no contact with the child alleged to have been abused*
- *in serious circumstances, ensure that an implicated employee will be suspended with pay during the investigation*
- *if there is an allegation of abuse involving a volunteer, ensure that his/her participation in the child care program will be discontinued during the investigation*
- *require identification from the interviewers, if interviews are to be done at the child care facility*
- *request that a staff representative be included in any interview as a support to the child*
- *request that a representative of the Licensee be included in interviews with an implicated volunteer and seek the permission of the interviewee*

- *request of those conducting the interviews that a representative of the Licensee and union be included in interviews with the staff person and if agreed seek the permission of the interviewee*
- *record all contacts and conversations pertaining to an investigation in a confidential file*
- *upon completion of the investigation, contact the implicated employee to outline the next steps regarding their employment (e.g. return to work, changes in duties, termination etc.) in accordance with ABC Child Care Society's personnel policies*
- *upon completion of the investigation, contact the volunteer to outline the next steps (e.g. return to volunteer, terminate their volunteer role etc.).*

*As each situation may be unique (e.g. organizational structures, job descriptions, local/regional protocols, etc.), it is important to consult with those responsible for the investigation in your community: Police, Licensing and Child Protection.*