



Procedures 9.06.2

Category: Safety and Wellness

Interview of Students

BACKGROUND & RATIONALE

CAPE School recognizes the importance of cooperating with other agencies which have responsibilities relational to student welfare. These responsibilities may require agencies such as the police, public health or social service agencies to interview students in schools.

The principal is responsible for the administration of this Administrative Procedures.

PURPOSE

Police officers, social workers and public health nurses in the course of their duties, may find it necessary to visit a school and interview certain students. While cooperation with other agency personnel in such interview requests is expected, schools have an obligation to ensure that both students' and parents' rights are respected.

PROCEDURES

A. POLICE OFFICERS

1. When a police officer finds it necessary to interview a student during school hours, the police officer will report to the office of the principal or designate and make known the purpose of the visit. The principal or designate will inform parents.
2. The principal or designate will bring the student to where the interview will take place in the presence of the parent(s)/guardian(s) or designate (students under 12 years of age) or in the presence of parent(s) and counsel as selected by the student (students 12 years of age or over).
3. The principal is responsible for making every effort to contact the parent (or guardian) prior to the interview of the student by the police. **This applies in all instances except where parental child abuse is thought to be involved.**
4. **The principal should be aware** that the police officer is responsible to inform the student (12 years of age or over) that:
 - a. the student is under no obligation to give a statement.
 - b. any statement given by the student may be used as evidence in proceedings against him.
 - c. The student has the right to consult with:
 - counsel and/or a parent; or,

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- in the absence of a parent an adult relative; or,
 - in the absence of a parent and adult relative any other appropriate adult (over 18) of his choice.
- d. In extraordinarily rare circumstances, when a parent is unavailable or unwilling to meet with the police officer, the student may request a staff member to sit in on the interview to consult. The staff member can do so provided the student has waived, in writing, right to have the parent and counsel present.
- e. Any statement made by the student must be made in the presence of the person consulted.
5. In the absence of the parent/guardian or designate, the principal or designate must sit in on interviews where the student is under 12 years of age. The principal or designate does not have the automatic right to be present at interviews involving students 12 years of age or over. The principal or designate must not assume or state that he/she is the student's representative/advocate in the interview; selection of person/counsel is the student's right.
 6. If the student requests the principal or other staff member to be present during the interview, it is desirable that the individual comply in loco parentis. The staff member is not obligated, and if he/she refuses this request, the student is encouraged to select some other adult to be present.
 7. Before removing a student from the school, the principal or designate will inform the police officer that he should communicate with the parent and inform them of the course of action taken.
 8. Any breach of this procedure must be reported immediately to the Superintendent.

B. SOCIAL WORKERS/PUBLIC HEALTH NURSES

The following will not apply when a Child Welfare investigation is underway.

9. Interviews of students during school hours by public health nurses or social workers will occur when the principal believes it to be in the student's best interest.
10. Wherever possible, the principal of the school will contact the parent or legal guardian of the student to advise of the interview.

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11. Prior to an interview, the student shall be advised that he/she may first have the opportunity to contact his/her parents and/or seek legal advice.
12. If the school is unable to contact the parent/guardian, the social worker or public health nurse shall be requested to inform the family of the interview as soon as is practical.
13. The principal or his delegate shall inform the student of the right to refuse the interview or refuse to answer questions.
14. The principal or his designate may be present during the interview where the principal decides, in consultation with the student, that it is in the best interests of the student to have school personnel present.
15. The principal or designate shall keep a written record indicating the identity of the Social Worker, the reason for the interview, and the essence of the discussions.

References:

School Act, Section 18, 20, 45(8)

Child, Youth and Family Enhancement Act Human Rights Act

Teachers' Code of Professional Conduct

CAPE Codes of Conduct

Freedom of Information and Protection of Privacy Act

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