



Delicate Relationship Guidelines and Standards

May 2024

Department of Education & Early Childhood Development



Delicate Relationship

INTRODUCTION

Public schools are environments that are open to all children and youth in New Brunswick. It is within schools that children and youth take risks, they explore, try new things, succeed, and experience failure. For children and youth to continue to take risks and learn appropriately from these experiences they need strong and supportive relationships with adults, who have the skills to support the individual as they develop independence skills.

For some learners the relationship they have with a specific adult can be critical to their success. In some cases, learners who require additional adult support, are at ease in their relationship with this individual. This may be due to the way the adult tailors their approach to meet the unique needs of the learner, the personality of the adult and the time working closely together to build a relationship of respect and trust.

DEFINITION OF A DELICATE RELATIONSHIP

A delicate relationship refers to a relationship between an employee¹ and a learner that requires consideration of the unique needs of the learner, and a nuanced approach due to its complexity and/or potential for vulnerability. Delicate relationships often involve navigating emotional, personal, or sensitive matters, and they demand a high degree of consideration, skills, respect, and empathy to maintain a positive and constructive interaction. These relationships may encompass various dynamics, including those between school personnel, peers, family, mentors, and professionals, among others, where open and mindful communication is essential to ensure success of the learner.

RATIONALE

The Department of Education and Early Childhood Development (EECD) recognizes the importance of adhering to the seniority of employees for job placement as defined within respective collective agreements. However, it is also recognized that under specific

¹ **Please contact Human Resources if you have any questions about who may be considered an “employee” for the purpose of this Framework.**

conditions, a delicate relationship between a staff member and a learner is critical to the wellbeing of the learner and if the relationship is not maintained, continuation of success may not be realized or there is a possibility of regression for the learner. Therefore, under the *Human Rights Act* there is a duty to accommodate this relationship.

Prior to assigning a delicate relationship it must be clearly demonstrated², in the submission form, that the need to maintain the relationship between the employee and the learner is necessary for the wellbeing of the learner, and their success while at school.

Assessing whether a delicate relationship is needed in a specific context involves considering the nature of the relationship, the cognitive, physical, and mental wellbeing of the learner, potential challenges or vulnerabilities, and the level of risk to the learner should the delicate relationship be assigned or not assigned.

PROCESS FOR ASSIGNING A DELICATE RELATIONSHIP

School administrators have the authority within each school year to assign staff, in their building, to support learners that they deem fit, considering the specific needs of the learners. Should an employee, permanent or non-permanent, have their relationship with a learner deemed critical to the wellbeing of the learner, then a delicate relationship may be assigned. This relationship and the duty to accommodate that is protected **pursuant to** the *Human Rights Act* may therefore, depending on the prevailing circumstances, take precedence over the provisions in the collective agreement with regards to the bumping procedure. If the administrator has any questions on how to proceed, they should contact School District Human Resources for guidance.

In the case where a delicate relationship has been assigned and the learner moves from their current school to another school within the school district, the school-based ESS will work with the district's Human Resource department to consider options.

Steps to assign a delicate relationship:

- School Based Education Support Services Team (SB-ESS) completes the form for assigning a delicate relationship.
- SB-ESS submits form to District Education Support Services (DESS)Team.

² *"Demonstrated" means: based on review of available evidence, including documentation of progress on learning outcomes, and results of supports and accommodations provided. Such evidence must be reviewed by appropriate school personnel in consultation with parents.*

- DESS reviews, within 10 school days, and supports or does not support assignment of a delicate relationship.
- DESS notifies SB-ESS of decision.
 - If not supported
 - DESS meets with school team, family and necessary external support to discuss reasoning and to plan next steps.
 - If supported DESS notifies union.
 - If the affected employee is a member of CUPE 2745 the employer agrees to meet with the regional vice-president two (2) weeks prior to staffing for the next school year (or when a new situation arises during the school year), to inform her of the rationale for such delicate relationships, as per section 13.09 of Collective Agreement.³

Steps for continuing an existing delicate relationship.

Annual review:

- SB-ESS meets prior to the end of the school year to discuss a learner's progress and rationale for maintaining or not maintaining a delicate relationship.
- SB-ESS completes annual review on Delicate Relationship form.
- SB -ESS will submit to DESS their request to maintain an existing delicate relationship, with rationale for this request.
- If the affected employee is a member of CUPE 2745 the employer will inform the regional vice-president, in writing, where such delicate relationships exist, two weeks prior to the end of classes for each school year, as per section 13.09 of Collective Agreement.⁴
- Family will be notified of continuation or not continuing with a delicate relationship prior to end of school year and again before school year should a change occur over the summer months.

³ *Collective Agreement may be subject to change. Please contact Human Resources to confirm if Collective Agreement has been updated and for assistance with interpretation if required.

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ASSIGNING A DELICATE RELATIONSHIP

To be completed by School Based ESS (SB-ESS) Team	Completed
<p>In writing provide the rationale for requesting a delicate relationship. Data sheets can be attached to the back of the submission.</p> <p>Below are some aspects to consider in the rationale for assigning a delicate relationship. This is not an exhaustive list.</p> <ul style="list-style-type: none"> • Specific skillset that the employee would have both professionally and personally. • Success that the individual has had since the employee began working with them (Data, PLP goals, attendance etc.). • Relationship that has developed between the learner and employee and the learner's comfort level with the employee. The learner's voice is crucial in assessing this. • Dignity for the youth (personal care, i.e., high school student requiring toileting) • Evaluate the risk of implementing or not implementing a delicate relationship for the learner's well-being. • Complete needs assessment to ensure the appropriate support staff has been assigned to meet the developmental needs of the learner. <p>Rationale:</p>	
<p>A Personalized Learning Plan (PLP) -Individualized, must be developed for a learner where a delicate relationship has been established.</p> <p>It is important developmentally that the learner experiences working with others and develops a broad range of relationships. Therefore, a plan for</p>	

how relationships with others will be built and expanded, with the goal of them working with others in the future, is required.

*It is important to ensure that if for any reason the employee, with whom a delicate relationship has been assigned, is out due to circumstances such as illness or a change of position, that the absence does not significantly impact the learner's school attendance. Therefore, contingency plans to maintain student attendance should be considered if a delicate relationship has been formed.

The PLP should have goals that work to address the areas deemed critical, such as but not exclusive to:

- Generalization of skills, among people and environments,
- Communication – self advocacy,
- Socialization – among peers and staff,
- Emotional/social competencies,
- Autonomy.

The school principal will ensure that case conferences have been held. The case conference should include individuals who support and care for the learner (i.e., family, health professionals, school personnel, social development etc.).

Dates held: _____

Employee has agreed to take the position should it become available.

- Employee rights – It is within the employee's right to accept or decline the position or to apply to other positions as posted. It is important that this is communicated with families/caregivers as a delicate relationship does not guarantee that an employee will stay. An employee may be unable to continue in a delicate relationship due to their health or other personal and professional circumstances. They are free to decline to enter a delicate relationship and are free to decline to continue a delicate relationship in such cases.

<p>Submit to DESS Date: _____</p>	
<p>Signatures: Principal: _____ Parent/Guardian: _____ DESS designate: _____</p>	
<p>Annual review: Date: _____</p> <ul style="list-style-type: none"> • Review rationale, PLP and transition plan. Is a delicate relationship still required? • What steps will be made for the upcoming year? Update transition plan and PLP. • Employee has agreed to take the position, should the job become available. • Meet with family to discuss plan moving forward. • Submit to DESS the request to continue delicate relationship. • DESS will submit in writing, to the Regional Vice President, two weeks prior to the end of classes for each school year, where such delicate relationships exist. 	
<p>Signatures Principal: _____ Parent/Guardian: _____ DESS designate: _____</p>	