

<p><b>SECTION F:</b> <b>HEALTH, SAFETY AND WELLNESS</b></p>	<p><b>POLICY NAME:</b> <b>ABUSE PREVENTION, IDENTIFICATION &amp; REPORTING</b></p>
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**1. POLICY:**

- 1.1.** Community Living, Grimsby, Lincoln and West Lincoln is committed to providing a safe, nurturing and respectful environment that promotes the rights of persons in all services. **There will be ZERO TOLERANCE for harassment or abuse of all individuals supported by Community Living, Grimsby, Lincoln and West Lincoln. Any person who abuses an individual in service WILL BE DISMISSED. This applies to all students, volunteers, employees, any contract or third party supports, as well as all members of the Board of Directors.**
- 1.2. Individuals supported by the agency shall be informed about the abuse policy, and that all claims will be addressed and reported immediately. Staff/Supervisors are responsible to ensure the individuals are informed of the policy and procedures outlined by the Agency, in a way that is accessible to their understanding and learning needs.**
- 1.3.** Abuse happens when a person or group of people use their power (authority, control or influence) to cause or create a significant likelihood of harm to a person receiving service or support. The following are types of abuse:

  - emotional abuse
  - verbal abuse
  - financial or material exploitation
  - neglect
  - professional malpractice
  - civic and human rights abuse
  - sexual abuse
  - physical abuse
- 1.4.** All abuse (evidence of, witnessed or allegations) will be reported to the immediate supervisor, documented on an agency incident report and reported to the police. When an individual is able to provide consent, support workers must obtain the consent of the person with a developmental disability before notifying peers and family members of the occurrence. The individual's confidentiality must be respected at all times. No gossip of the event will be tolerated.
- 1.5.** All new employees, members of the board of directors, students and volunteers to the agency will receive information and training on reporting the abuse of people with developmental disabilities, during the course of their orientation to the Agency.

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**1. POLICY (Cont'd):**

**1.6.** Training will be offered on an annual basis to ‘refresh’ all employees, students, volunteers, board members, contract employees (including third party staff) as well as individuals supported by the agency of all Quality Assurance Measures in addition to policies and procedures pertaining to the abuse of individuals with developmental disabilities (*as per Regulation 299/10, 8(2) (a) (ii)*). In addition all policies and procedures will be reviewed at annually by the board of directors. Any changes will be made promptly to further enforce Community Living Grimsby, Lincoln and West Lincoln’s commitment to Zero Tolerance toward the abuse of individuals with developmental disabilities.

**2. PURPOSE:**

**2.1.** Individuals with a developmental disability have the right to live in an abuse free environment. With this in mind, the Agency is committed to the following principles and will:

1. Create an environment of respect and safety for all individuals.
2. Eliminate all conditions within the organization that foster abuse.
3. Educate individuals, families, staff and the community about abuse issues.
4. Establish an expectation that all staff, including new hires as well as contract staff and third parties have positive and respectful attitudes towards persons with disabilities.
5. Screen staff, students and direct service volunteers through professional and personal reference and criminal record checks.
6. Orient and train all staff to the agency's abuse policy and procedures.
7. Obligate all staff, students and direct service volunteers to report suspected or observed abuse and protect anyone reporting abuse.
8. Take any allegation of abuse seriously.
9. Provide support and protection for victims of abuse.
10. The agency is to have the consent of the individual before family members, guardians and peers are notified of the alleged incident – please refer to Policy on Consent Issues under Section F.
11. Provide support to families, peers and staff who report or are affected by abuse/alleged abuse.
12. Initiate a police investigation of any allegation of abuse promptly, in a non-prejudicial manner and through due process. (QAM)
13. Safeguard the rights and dignity of all parties, including the alleged abuser, during the investigative process.
14. Involve the police when a criminal offense is suspected, reported or has occurred. The Ministry of Community and Social Services will be informed via the Serious Occurrence Report. (Where children are involved, the appropriate child welfare agency will also be contacted.)
15. Keep all affected parties informed of the results of an investigation.

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16. Discipline, up to and including dismissal, of any staff found to have abused an individual or who has failed to report abuse

3. **SCOPE:** Staff, volunteers, students and individuals supported by the agency.

4. **RESPONSIBILITY:**

4.1. **IMMEDIATE RESPONSE**

1. In the case of neglect or abuse of children, please refer to the Abuse Policy for Reporting Abuse of Children under Section F.
2. If the allegation involves an adult, immediate actions will be taken in response to suspected, reported or witnessed abuse. Staff must ensure that each of the steps are followed.

5. **PROCEDURES:**

5.1. **Direct Support Professionals:**

1. Treat allegations, suspicions or actual incidents of abuse seriously. If an individual tells you about abuse, you must record what s/he says in his/her own words, please refer and review policy “serious occurrence report” under section F. Do not prompt or ask leading questions. Do not initiate further interviews after receiving the first disclosure. ***No internal investigation can be undertaken until the police have completed theirs.***  
  
***Inform the immediate supervisor or On-Call immediately.***
2. Protect the individual. Make sure that s/he is safe and provided appropriate support. Arrange for medical treatment as needed.
3. Make sure that the individual and the person alleged to have committed abuse are separated. They should not be together unless in the presence of another staff member.
4. Protect any physical or medical evidence – do not move or clean items up.
5. Contact your supervisor/manager or their replacement, using the weekend on call system procedure if required. If the alleged abuser is in the management group, contact that person’s Supervisor up to and including the President of the Board of Directors.

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#### 4. PROCEDURES (Cont'd):

6. Complete the agency incident report before the end of your shift. Use the words and details that are communicated to you or document the facts, as you know them. Do not generalize, make assumptions or give your opinion.

##### 4.2. Supervisor/Director:

1. Assume leadership of the situation once contacted.
2. Assess the situation through appropriate actions, which may include:
  - a) Discussing the allegation presented, with staff receiving the information
  - b) reviewing the documentation completed
  - c) visiting the individual and program location
3. Determine the need for immediate action including:
  - a) Steps to ensure the safety and support of the individual (e.g. additional medical assistance, relocation of individual, staff or volunteer)
  - b) Contact the police ensuring that facts and evidence support the reporting abuse allegation. ***No internal investigation can be undertaken until the police have completed theirs.***
  - c) Where children are involved, the appropriate child welfare agency must also be contacted immediately.
  - d) Submission of a Serious Occurrence report to Ministry of Community and Social Service or Ministry of Children and Youth Services.
4. Notify and consult with others as appropriate including:
  - a) The Director and The Executive Director
  - b) The family or guardian... should consent from individual be provided
  - c) Ministry of Community & Social Services (MCSS) and Ministry of Children and Youth Services (MCYS).
5. Initiate an immediate meeting with the alleged offender and convey to them the nature of the allegation and inform them that police will be called to conduct an external investigation. (QAM)  
Place them on administrative leave until the investigation is completed.

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**5. SUPPORT TO POLICE INVESTIGATIONS:**

- 5.1. If requested by the police, the Agency will provide a place for interviewing the individual(s) and staff that is neutral and safe and is not a room where the abuse is alleged to have occurred.
- 5.2. The Executive Director and/or his/her designate will make available to the police all such records and documents (daily logs, medical records, staff assignments, etc.) which may be required for the investigation and a private space in which to examine them.
- 5.3. The Executive Director and/or his/her designate will also provide any information necessary to help the police understand the intellectual disability the alleged victim and/or perpetrator may have.
- 5.4. Following their investigative protocol, the police may carry out detailed interviews with:
  - a) the person who reported the abuse
  - b) the person who initially suspected the abuse (if different from the person who reported)
  - c) the alleged victim(s)
  - d) the alleged offender
  - e) any witnesses to the alleged abuse
  - f) any other person(s) who may be of assistance in the investigation.

Interviewing as part of the investigative process is the responsibility of the police. If an Association staff is asked by the police to act in an interpreter/ communication support capacity, the staff is limited solely to interpreting what is asked and the individual's response to the question.

If an individual requires aids to facilitate communication, these will be made available.

A person whom the victim trusts will, where necessary or requested by the individual, be assigned to support the individual through the investigative process. Under no circumstances will this person conduct the interview. The person assisting must ensure that they do not coach or lead the individual during the interview process.

- 5.5. If a medical examination is required as part of the investigation, this will be carried out by a physician knowledgeable about abuse and in such a manner that is not distressful for the individual. Any information about the individual's special needs will be made available to the physician.
- 5.6. A designated Management staff will request regular updates on the progress of the investigation and make information available as permitted for the purpose of supporting individuals and staff.
- 5.7. At the conclusion of the investigation the police will be asked if there was any evidence of abuse, whether charges are being laid and if they have any recommendations concerning further actions to be taken.

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**6. INTERNAL REVIEW: Following the disclosure of the Police Investigation**

**6.1.** Internal reporting procedures will be followed as per the Incident Reporting.

**6.2.** The Executive Director or designate, may initiate an internal review regarding any allegations concerning the conduct of employees, agents or volunteers at any time aside from allegations involving abuse.

This review will not:

**a.)** Begin until any police investigation has been completed.

**b.)** Be conducted by management or other staff who, by doing so, place themselves in a position which could, or could be perceived to be, a conflict of interest.

**6.3.** If the alleged abuser is another individual in service she/he will be considered a person in need of treatment or support by the Agency unless the police determine that she/he be dealt with as a criminal offender.

**6.4.** If the alleged abuser is a staff member, volunteer and/or caregiver:

**a)** The staff/volunteer and/or caregiver against whom the allegations have been made will be immediately excused from work (Administrative Leave) until the Police and Agency review has been completed to ensure both the protection of the individual and staff/volunteer and/or caregiver.

This action is not to be interpreted as a presumption of guilt. During this period the rights and the dignity of the alleged abuser must be safeguarded. His/her financial and benefit status will be maintained. The due process rights as defined within the protocol for abuse investigations will be explained.

**b)** The Agency will initiate discipline up to and including termination in instances where there is evidence of abuse.

**c)** Should there be evidence of abuse committed by a volunteer/student, she/he will no longer be permitted to continue volunteering with the Agency.

**d)** Staff witnessed and/or found guilty of abusing an individual in service will be immediately **terminated** from employment with the Agency.

**6.5.** The parent(s) or guardian(s) of the alleged victim will be kept informed by the Executive Director or a designate, except when the alleged victim is a competent adult and specifically requests otherwise. Depending on the individual situation, the Executive Director or designate, may also notify other parents/guardians. The timing and specifics of notification will be determined in conjunction with the police.

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**7. MEDIA STRATEGY:**

- 7.1. The Executive Director or his/her designate, will be the designated media contact. No information will be given ‘off the record’ and without written consent where applicable.
- 7.2. Allegations of abuse are a Serious Occurrence and, if the media or community attention is involved, this may require an Enhanced Serious Occurrence Report to be completed and sent to the Ministry of Community and Social Services.

**8. NOTIFICATION OF ABUSE: Peers, Family and Friends.**

- 8.1. **All abuse must be reported to the police – consent to report to police is not needed.**
- 8.2. To notify other individuals, the agency must obtain the consent of that individual; if capable to consent, to notify family, friends and peers (refer to Policy on Consent Issues under Section F).
- 8.3. Should there be a person selected to act on behalf of the individual – they are to be contacted immediately and informed of the individual’s status as well as location. It is imperative that the person acting on behalf of the individual is informed of the appropriate actions taking place, including the occurrence of police investigation as mandated by the Reg. 299/10.

**9. EDUCATION, ORIENTATION AND TRAINING:**

**9.1. Staff:**

A review of this policy and other training materials related to preventing abuse is mandatory for all direct service staff, including Coordinators, Supervisors and Directors. Orientation must be completed within thirty days of hire and annually thereafter.

**9.2. Volunteers/Students:**

The Board of Directors will review this policy annually as part of its initial orientation and ongoing professional development. All other volunteers and students will review this policy as part of their initial orientation and annually thereafter at the site at which they are providing volunteer support.

**9.3. Individuals Receiving Supports and Services:**

The Agency will ensure that the individuals it supports are provided with information about abuse prevention and reporting in a language and manner appropriate to their capacity, initially as part of the intake process and annually thereafter.

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**10. MANDATORY REVIEW:**

**10.1.** All policies pertaining to the prevention, identification and reporting of abuse will be reviewed and updated, annually.

***A record of all education, orientation and training in this area will be maintained.***

**11. REFERENCE:**

**11.1. Related Legislation & Policies:**

- a) Child & Family Services Act, Province of Ontario
- b) Services and Support to Promote the Social Inclusion of Persons with Developmental Disabilities Act 2008.
- c) QAM (Quality Assurance Measures)
- d) Policy Rules of Conduct under Section A
- e) Policy Reporting of Abuse of Children under Section F
- f) Policy Incident Reporting under Section F
- g) Policy Serious Occurrence Reporting F