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ABUSE POLICY - Prevention, Reporting and Managing

Community Living-Central Huron is devoted to the quality of life for all persons supported, employees and volunteers by providing a safe, nurturing and respectful environment. All persons who receive support will be treated with dignity and respect; their rights will be honoured and protected. Operating with a zero tolerance for any type of abuse, all self-disclosures and reports will be taken seriously. Community Living-Central Huron will not tolerate any form of abusive treatment. All reports will be reviewed in keeping with this Policy, its procedures and all legislative requirements.

All Staff, volunteers providing direct service, persons on placement, Board of Directors and its Committee Members and people supported will be required to receive a mandatory orientation and annual training on the Agency's Policy and Procedures on abuse prevention, identification and reporting. Family/caregivers and community members may receive orientation to the Agency's Abuse Policy - Prevention, Reporting and Managing, as deemed appropriate.

In keeping with the Social Inclusion Act 2008, Regulation 299/10, abuse is defined as follows:

ABUSE: means action, mistreatment or behaviour that causes or is likely to cause physical injury or psychological harm or both to a person, or results or is likely to result in significant loss or destruction of their property, and includes neglect. In addition, the definition of abuse includes any maltreatment, be it physical, sexual, emotional, verbal, financial or material exploitation, threats, harassment, hate or bias motivated incidents.

FURTHER DEFINITIONS:

Physical Abuse - is assault, non-accidental injury or physical harm to a person. It includes but is not limited to inflicting pain or any unpleasant sensation, and causing harm or injuries. Acts of assault or threats of assault, such as hitting, slapping and burning that cause or could cause physical injury or fear of physical injury.

Emotional Abuse - frequent criticism, insulting, threatening, degrading, humiliating, intimidation or terrorizing of a person including verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs and preferences. Taking advantage of a person's disability to trick or manipulate for personal benefit. The persuasion to do things that are illegal or not in the individual's best interest.

Verbal Abuse - demeaning language, name calling or negative verbal depictions of disability or attractiveness, unwelcomed, embarrassing, offensive, threatening or degrading to another person are all forms of verbal abuse.

Financial or Material Exploitation - The misuse or misappropriation of someone's financial assets for personal gain or the use or withholding of another person's resources by someone with whom there is a relationship implying trust.

Neglect - a failure to provide the basic physical and emotional necessities of life. It can be willful denial of medication, dental or medical care, therapeutic devices or other physical assistance to a person who requires it because of age, health or disability. It can also be a failure to provide adequate shelter, clothing, food, protection, supervision and nurturance or stimulation needed for social, intellectual and emotional growth or well being. It can be the placement of persons at undue risk through unsafe environments or practices thereby exposing them to the danger of physical, mental or emotional harm.

Threats of Death or Bodily Harm - actions where a person did knowingly utter or convey a threat to cause death or bodily harm to a person, and did so to intimidate or strike fear into a recipient of the remarks. It is not necessary that the person making the threat intend to carry it out or be capable of doing so. The threat need not be made directly to the intended victim. The intended victim need not even be aware of the threat. And threats include to burn, destroy or damage real or personal property or to kill, poison or injure an animal or bird that is the property of any person.

Sexual Abuse - any act or situation where the person supported is forced and/or coerced into any kind of sexual contact without consent; the lack of consent is the defining feature. It is important to note that the hierarchy makes it impossible for there to be consent between a person with a disability and their support worker/care provider.

Harassment/Sexual Harassment - comments, conduct or gestures that are insulting, intimidating, humiliating, malicious, degrading, offensive or discriminatory, directed toward an individual or group of individuals. Harassment includes any form of sexual harassment. It is important to recognize that people with disabilities do not choose to live within care and cannot often choose to leave care, the atmosphere of respect that comes from purposefully avoiding jokes or language that others might find distressing is important to foster.

Hate or Bias Motivated Incidents - are incidents that are motivated in whole, or in part, by the perpetrator's bias against a race, religion, disability, sexual orientation, ethnic or national origin, age, gender, social status or political affiliation. Incidents may include physical assault, damage to property, bullying or insults.

Documented/Documentation - includes all writings, printed text or book of account, receipts, recordings or note taking, documents of all kind, whether handwritten, typed, computer generated or electronically recorded.

Subject Person - this is the person (ie. employee, direct service volunteer, persons on placement, Board of Director or its committee member) who is alleged to have committed abuse.

Volunteer - Direct Service - includes all volunteers who under the auspices of Community Living-Central Huron are likely to, or will find themselves alone with a person supported and in an unsupervised capacity.

Individual/Family Member/Caregiver - includes self-employed contract worker or family members who provide services to persons supported and families through any Programs coordinated by Community Living-Central Huron.

Person Supported - includes all persons who are 18 years of age or older and receive support from Community Living-Central Huron.

Ministry - includes the Ministry of Community and Social Services and the Ministry of Children and Youth Services.

OPP - Ontario Provincial Police.

Prevention of Abuse:

The following Principles form an integral part of this Policy and will help guide the practices of the Agency in its efforts to reduce and eliminate all forms of abuse.

- Promote and operate from an environment of respect and safety for all persons supported, families, Staff and volunteers;
- Actively identify and eliminate all conditions within the organization that may foster abuse;
- Regularly offer training/education to persons supported, Staff and volunteers, about abuse issues; offer training/education to families and the community as appropriate;
- Establish and maintain an expectation that all persons possess positive and valuing attitudes towards persons with disabilities;
- Ensure effective measures that screen qualified Staff, persons on placement, direct service volunteers and caregivers through work references and Vulnerable Sector Checks;
- Provide ongoing orientation, training and education on the Agency's Abuse Policy and related procedures;
- Ensure that all allegations are properly documented, reported and reviewed; and
- Annual Review of Abuse Policy by Senior Management to promote zero tolerance and determine if Policy revision is required to prevent abuse.

Orientation, Training and Education:

All Staff, direct service volunteers, persons on placement, persons supported, the Board of Directors and its Committee Members will be required to receive annual mandatory orientation on the Agency's Policy and Procedures on abuse prevention, identification and reporting. Family/caregivers and community members may receive orientation on the Agency's Abuse Policy as deemed appropriate. Orientation will occur for Staff prior to working directly with persons supported and for volunteers prior to initiating their volunteer role and annually thereafter. It is the responsibility of each person covered under the scope of this Policy to actively participate and complete their assigned orientation, training or education and to participate in a yearly review. Signed acknowledgements of orientation and annual reviews will be maintained in personnel or other appropriate files.

All persons supported through services directly operated by the Agency will be provided with education/awareness training that addresses boundaries, rights, relationships, abuse prevention and reporting. The training will be provided within three (3) months of the commencement of services. Training will be offered in a language and manner that is appropriate to the person(s) supported. A refresher training will be provided annually thereafter. Acknowledgement of completion of the initial training, annual training and any refresher training will be placed in the person's supported file.

How Abuse May Become Known:

- i) Alleged - Reported directly to the Staff, direct care volunteer, family/caregiver by the person supported or any other person who suspects abuse; can include disclosure made by the person supported.
- ii) Suspected - Personal detection of unusual behaviour, events or physical signs that could be an indication of abuse; awareness that another caregiver, family member has reason to believe or suspects abuse; can include disclosure made by the person supported.
- iii) Witnessed - Having observed first-hand an incident where the person supported was abused.

Additional clarifying indicators of abuse that form an integral part of this Policy are found in Appendix A.

Reporting and Managing Abuse:

All Staff, volunteers, persons on placement, who witness or suspect abusive treatment of a person supported is to take immediate steps to protect the person supported and to report the incident in keeping with the following Reporting Procedures. Failure to report an alleged, suspected or witnessed abuse may result in disciplinary action, up to and including termination of employment.

Reporting Procedures:

In all instances, the protection of the person supported is paramount. It is imperative to make sure the person supported is safe and is provided with appropriate support. As appropriate and if required, first aid or medical intervention should be provided as an option at this time. It is important to inform the person supported of the risks of not seeking medical attention (ie. unattended wound, sexually transmitted disease, evidence, etc.).

In the event of a disclosure, carefully record and document what the person says in their own words. Do not ask any leading questions; do not initiate further review of the situation.

If necessary, take reasonable steps to:

- If possible, separate the subject person from the person supported, as well as other person(s) present;
- Call 911 if Emergency Services are required;
- Encourage the person supported not to speak to others, should the Police be contacted;
- Protect and do not tamper with any physical or medical evidence;
- Contact the relevant Supervisor/designate or Pager for direction as to how to proceed;
- Document all events; and
- Do not discuss the allegation with anyone other than to cooperate with the Supervisor/designate, Pager, Coordinator, OPP or the Children's Aid Society.

In an emergency situation (ie. incidents involving serious bodily harm, assaults in progress, sexual assault, etc.), **contact must first be made with 911 or the OPP, as appropriate.**

Reporting Alleged, Suspected or Witnessed Abuse of Children or Youth:

If the abuse involves a child or youth who is under 16 years of age, all Staff, volunteers, family/caregivers must themselves report the allegation directly to the local Children's Aid Society. DO NOT rely on anyone else to make a report. The Children's Aid Society will determine if the police should be contacted.

If the abuse involves a youth who is between 16 and 18 years of age, all Staff, volunteers, family/caregivers must themselves report the allegation to the OPP.

In both instances above, once the Staff or volunteer have contacted the OPP or Children's Aid Society, they must then immediately contact their Supervisor/designate or Pager; all Agency internal reporting/documentation requirements must be completed prior to leaving their shift.

Reporting Alleged, Suspected or Witnessed Abuse for Adults (over 18 years of age):

It is the responsibility of all Staff and volunteers to immediately report any alleged, witnessed or suspected incidents of abuse to the Supervisor/designate or Pager. Once a report is made, one must not discuss the allegation of abuse with anyone other than to cooperate directly with the Supervisor/designate, Pager and the OPP.

- i) In an emergency situation (ie. incidents involving serious bodily harm, assaults in progress, etc.), contact must first be made with 911 to access appropriate Emergency Services. Advise the Supervisor/designate or Pager as soon as possible, thereafter.
- ii) If possible, separate the subject person from the person supported, as well as other person(s) present.
- iii) Provide First Aid as necessary.
- iv) Report alleged, suspected or witnessed abuse as soon as possible to the Supervisor/designate or Pager.
- v) The Supervisor/designate or Pager will seek clarifying information to help assess the incident and to determine how to proceed and advise/direct the Staff or volunteer accordingly. Staff will document all details. It may be necessary for the Supervisor/designate or Pager to do a review of the incident to ascertain if there is the possibility of abuse, which would require Police involvement. This review may include asking the person supported and/or subject person or others, as deemed appropriate, specific, non-leading questions, all of which will be documented. Consultation with the relevant Coordinator or Executive Director is to occur during this process.
- vi) Should the Supervisor/designate have reason to believe that an incident of abuse of a person supported may have occurred and it may constitute a criminal offence, the Supervisor/designate will immediately report the incident to the OPP.
- vii) The Supervisor/designate will inform the Coordinator or the Executive Director. The Coordinator or the Executive Director will ensure a Serious Occurrence form is completed and forwarded to the Ministry, within the required time frame.
- viii) No further review will be conducted by the Agency until the incident has been investigated by the OPP.

- ix) Once a report is made to the OPP, the Agency and the OPP will remain in close communication until the OPP have concluded their investigation.

Note: In the event that an Agency Supervisor or Coordinator is the subject of the allegation or abuse, the Executive Director, or designate will contact the OPP.

In the event that the Executive Director is the subject of the allegation or abuse, the President, Board of Directors, will review the report and determine who will contact the OPP. In such incidents, the President and Executive Committee will oversee the matter.

Managing Reports of Abuse:

The Agency will review all reports of abuse following completion of investigations by the OPP or other appropriate authorities. In the event that the OPP investigation does not confirm criminal intent, the Agency will take whatever action it deems appropriate.

- i) In all cases of alleged abuse, whether a Staff, direct service volunteer or caregiver, at minimum they will not be permitted unsupervised contact with the individual, or may be excused from attending work, volunteering or care giving until the OPP's investigation or Agency's review has been completed. Such actions may be taken by the Agency in order to ensure both the protection of the person supported and the subject person.
- ii) Any such action as noted above is not to be interpreted as a presumption of guilt. During this period, the rights and the dignity of the person who is the subject of the allegations, will be safeguarded.
- iii) The Agency will initiate disciplinary action up to and including termination in instances where it believes evidence of abuse is sufficient to warrant such action.
- iv) In all cases, any person who has been the subject of the allegations, is charged and found guilty of abuse will be terminated from employment and prohibited from any volunteer or care giving position.
- v) The parent(s) or guardian(s) of the alleged victim will be kept informed of relevant events by the Executive Director, or designate, except when the alleged victim is an adult and specifically requests otherwise. Depending on the individual situation, the Executive Director, or designate, may also notify other persons. As appropriate, the timing and specifics of notification will be determined in conjunction with the OPP or other appropriate authorities.
- vi) Consent must be obtained from the person supported before notifying others, except for the OPP and the Children's Aid Society.
- vii) All media contact will be managed by the Executive Director or designate.
- viii) The Executive Director or designate will notify the Board of Directors and the Ministry, and ensure adherence to the Serious Occurrence Policy (C-006).

Support to Police and Children's Aid Society during Investigations:

The Agency will cooperate in facilitating and sharing information within their respective and regulatory requirements or limits with the OPP and the Children's Aid Society, for children under the age of 16 years.

Information sharing and disclosure regarding Staff, volunteers, persons supported and others affiliated with the Agency's services, is governed by the Municipal/Freedom of Information and Protection of Privacy Act.

In addition, information sharing and disclosure will be guided by, at a minimum, the Child and Family Services Act, the Services and Support to Promote the Social Inclusion of Persons with Developmental Disabilities Act and the Agency's Confidentiality, Access to and Disclosure of Information Policy.

In the event the Agency is prohibited by law to release certain information, it is understood that the OPP and/or the Children's Aid Society may attain other relevant information only by subpoena or search warrant.

The Executive Director or designate may provide information necessary to assist the OPP or other authorities to understand the nature of the intellectual disability(ies) of the alleged victim. If an Agency Staff is asked to act in an interpreter/communication support capacity, the Staff is limited solely to interpreting what is asked, and to providing only the individual's response to the question.

In summary:

PROTOCOL FOR ABUSE or ALLEGED ABUSE:

IF YOU HEAR OF OR SUSPECT ABUSE

HERE'S WHAT TO DO ...

1. **In an Emergency situation, contact 911 to access appropriate emergency services.** Advise the Supervisor/designate or Pager as soon as possible, thereafter.
 2. **If possible, separate** the subject person from the person supported, and any other person(s) present.
 3. **Provide First Aid**, if necessary.
 4. **Report** alleged, suspected or witnessed abuse as soon as possible to the Supervisor/designate or Pager.
 5. **Wait for direction** from the Supervisor/designate or Page as to how to proceed.
 6. **Document** all events and submit such to your Supervisor/designate in a timely manner.
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Refer to "Reporting Alleged, Suspected or Witnessed Abuse for Adults (over 18 years of Age)" for further details on the role of the Supervisor/designate or Pager and Community Living-Central Huron.

APPENDIX A

Indicators of Abuse:

All Staff, volunteers, family/caregivers play an important role in protecting individuals from harm by recognizing the indicators of abuse and responding accordingly. Presence of one or more indicators does not necessarily mean that abuse has occurred, but does require ongoing vigilance and reporting. Indicators of abuse are not always obvious. Indicators are variable, and often persons who are familiar with individuals supported and have a positive relationship with them, are best placed to recognize behavioural changes that may suggest abuse has occurred.

The following indicators are provided to assist in identifying abuse:

Indicators of Physical Abuse:

- Disclosure by person supported
- Unexplained or poorly explained injury - fractures, dislocations, sprains
- Other bruising and marks may suggest that shape of object that caused it
- Unexplained burns, scalds
- Facial, head, neck bruising
- Signs of new injury when old injury has not healed
- Sleep disturbance
- Changes in behaviour (out of character aggression, withdrawal, excessive compliance)

Indicators of Emotional and/or Verbal Abuse:

- Disclosure by person supported
- Extreme unusual behaviour (aggression, withdrawal, bullying, excessive compliance)
- The appearance of fear or apprehension to be near a specific person
- Depression, crying
- Attempted suicide
- Delayed emotional or physical development
- Lack of attachment to parent or caregiver
- Speech disorder
- Weight loss or gain
- Feeling of worthlessness, extreme low self-esteem, self-abuse or self-destructive behaviour

Indicators of Financial Abuse, Material Exploitation:

- Disclosure by person supported
- Unusual financial records (missing receipts, unusual receipts, accounts do not balance)
- Missing money, valuable or property
- Only one person monitors person's funds
- Restricted access to or not control over personal funds or bank accounts
- Forces changes to wills or other legal documents
- Person stealing from others, borrowing money, begging

Indicators of Neglect:

- Disclosure by person supported
- Dirty, torn clothing worn everyday
- Insufficient clothing
- Hunger, weight loss
- Poor hygiene
- Inappropriate shelter or accommodations
- Unattended physical needs
- Social isolation
- Constant fatigue, listlessness, falling asleep
- Extreme longing for company
- Anxiety about being alone or abandoned
- Displaying inappropriate or excessive self-comforting behaviours

Indicators of Sexual Abuse and/or Harassment:

- Disclosure by person supported
- Existence of sexually transmitted disease(s)
- Pregnancy
- Stained, torn or bloody undergarments
- Bruised or swollen genitalia/anal area
- Sore throat - through choking or forced oral sex
- Unusual or offensive odour
- Wearing layers of clothing
- Difficulty sleeping/increased time spent sleeping
- Nightmares
- Refusal to eat/increased eating
- Sudden infantile behaviour (rocking, biting, sucking)
- Refusal to undress/bathe
- Trauma to breasts, buttocks, lower abdomen, thighs
- Unexplained accumulation of money or gifts
- Description of sexual activity
- Inappropriate advances to others

Indicators of Threats of Death or Bodily Harm and/or Indicators of Hate or Bias Motivated Incidents/Abuse:

- Disclosure by person supported
- Extreme unusual behaviour (aggression, withdrawal, excessive compliance)
- Depression, crying
- Sleep disturbance
- Eating disorders
- Social isolation
- Anxiety about being alone or left unattended

Policy Review Date: September 10, 2014; April 17, 2015.

Related Policies:

- Guiding Principles (A-002)
- Confidentiality (A-003)
- Privacy (A-004)
- Press and Media Releases (B-002)
- Relationship with Law Enforcement Agencies (B-003)
- Volunteer (B-007)
- Individual Welfare/Rights (C-001)
- Behavioural Support (C-002)
- Person Supported Complaint/Feedback (C-003)
- Use of Physical Restraints (C-005)
- Serious Occurrence (C-006)
- Communication Book (C-007)
- Finances of People Supported (C-008)
- Individual Support Policy for Persons Supported (C-009)
- Orientation for People Supported (C-011)
- Medical Care of Persons Supported Policy (C-012)
- Inventory, Personal Belongings of Persons Supported (C-013)
- Bathing and Showering Supervision of Persons Supported Policy (C-014)
- Persons Supported Food and Nutrition Policy (C-015)
- Missing Person/Unknown Whereabouts (C-016)
- Health and Safety Policy Statement (D-001)
- Medication Policy Statement (D-002)
- Emergency Policy (D-003)
- Dangerous Weapons and Fire Arms (D-005)
- Critical Injury (D-006)
- Bullying and Workplace Violence Policy and Procedures (D-007)
- Police Record Search (E-003)
- Staff Orientation (E-005)
- Procedure for Professional Development (E-006)
- Employee Performance Appraisal (E-008)
- Employee Standards Policy (E-011)
- Disciplinary Policy (E-012)
- Record Retention and Archives (E-018)

Other Documents:

Occupational Health & Safety Document
Medication Policy & Procedures Document