SECTION	SUBJECT	CODE: PS-05
PEOPLE SUPPORTED	Abuse Prevention, Identification and Reporting	PAGE: 1 of 9 DATE: February 9th, 2023

Standard Statement

Community Living Dryden-Sioux Lookout is committed to *promoting* and safeguarding the physical and emotional well-being of people receiving support, and eliminating conditions which may foster abuse. We believe that each of us has a responsibility for protecting the safety, security and dignity of people supported. Community Living Dryden-Sioux Lookout will take every precaution possible to prevent harm to all people supported by the Agency regardless of whether the alleged, suspected or witnessed abuse is by a person providing services on behalf of the Agency (e.g., staff, volunteer, board member) or a non-caregiver (e.g., friend, another person supported, stranger).

The Agency is committed to the following principles and will:

1. Create an environment of respect and safety for all people supported.
2. Eliminate all conditions within the organization that foster abuse.
3. Educate people supported, 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 person supported before family members, guardians and peers are notified of the alleged incident.
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.

Policy

The Community Living Dryden-Sioux Lookout will not tolerate any form of abuse or neglect.

Definitions

Abuse is defined as:

Physical abuse is defined as an individual being physically hurt, injured or killed; including but not exclusive to: hitting, shaking, squeezing, burning, biting, pinching, scratching, suffocation, inappropriate handling and inappropriate use of restraint and wrong use of medication.

Sexual abuse is defined as any unwanted or forced sexual contact, unwanted (inappropriate) touching or unwanted displays of sexual parts, threats or harm or coercion in connection with sexual activity and making offensive sexual comments and jokes and saying things that hurt someone or make them uncomfortable.

Verbal abuse is defined as any communication towards an individual that may be reasonably perceived to be demeaning, seductive, suggestive, exploitive, insulting, derogatory or humiliating including but not limited to: sarcasm, swearing, racial slurs, teasing, and inappropriate tone of voice.

Emotional abuse is defined as any verbal or non-verbal behaviour which demonstrates disrespect and negatively affects the individual's confidence or self-esteem. Such behaviours include but are not limited to: retaliation, intimidation, manipulation, taunting, bullying and insensitivity to the individual's culture, race, religious practices, economic status and education.

Financial exploitation is defined as the denial of access to, and control over, person's supported own funds and the misuse of their financial resources.

Neglect is defined as acts of omission, including ignoring nutritional, medical or other physical needs, the withholding of the necessities of life, the failure to provide required medical care or appropriate education services; or any failure to provide necessary care, assistance, guidance or attention to an individual that causes, or so reasonably likely to cause the individual within a short period of time serious physical, mental or emotional harm or substantial damage to or loss of assets.

Neglect can include but is not limited to:

- living in unsanitary conditions
- suffering from an untreated disease or illness
- creating a hazardous situation that will likely cause serious physical harm to the person supported or others or cause substantial damage to or loss of assets
- unnecessary medical treatment
- loneliness or isolation
- inappropriate response times to personal needs
- not washing, feeding or toileting a person supported

Corporal Punishment refers to striking, shaking, shoving, spanking, or other forms of aggressive physical contact. Also considered as corporal punishment would be the application of noxious and/or painful stimulation including, but not limited to, squirts of water, faradic stimulation (electric shocks applied to the skin), emetics (aversive tasting substances), use of blindfolds and other similarly aversive stimuli.

PROCEDURE FOR REPORTING WITNESSED OR SUSPECTED ABUSE OF A CHILD

1. If the victim is a child (under 18) then the appropriate child welfare Agency should be contacted immediately.
2. Follow all instructions of the child welfare Agency.

PROCEDURE FOR REPORTING ABUSE OF A SUPPORTED ADULT FOR FRONTLINE STAFF (Please use the checklist):

1. Witnessed Acts of Abuse and Criminal Activity

a) Staff, volunteers and members of the board who witness abusive acts that constitute criminal activity will immediately notify the police to respond and then notify their Manager of Services or after hours the Emergency On-Call manager. The staff person will make sure all measures have been taken to assure the safety of the person being supported, they have access to required medical care and any medical or physical evidence is protected.

b) Use the Abuse Reporting Checklist and attach to your report as soon as possible.

c) All alleged, suspected or witnessed incidents of abuse will be documented immediately in writing in the format of an incident report but not in Nucleus Labs at this point.

d) Do not promise not to tell. Record what the person says in his or her own words but only to the degree to determine that abuse has actually happened.

e) The police in the appropriate jurisdiction will be given the names and contact information for the staff person who reported to them, the client and the alleged abuser.

f) The Manager of Services will call the Director of Service and Executive Director or designate immediately after the police are contacted.

g) Community Living Dryden-Sioux Lookout will not perform an internal investigation prior to the completion of the police investigation and the alleged abuser will not be informed. All parties are to keep the police investigation confidential.

h) The police will conduct their investigation and the Agency will cooperate fully and assist in providing access to staff and clients as needed for interviewing. Staff are asked to act in a professional and cooperative manner. The police will be specifically asked to report back their findings to the Manager or Director of Services who called or who was designated in a timely manner so the Agency can respond appropriately.

i) Community Living Dryden-Sioux Lookout will discipline staff found guilty of abuse, will ensure the safety and rights of all people supported, and will report all incidents to Ministry of Community and Social Services through serious occurrence reporting.

j) Community Living Dryden-Sioux Lookout will ensure that appropriate support is provided to a person supported who has experienced an incident of abuse including accessing external services if applicable.

k) Community Living Dryden-Sioux Lookout will obtain consent of the person supported who has experienced an incident of abuse prior to involvement of any family member or third party acting on their behalf. After such consent has been obtained, family members or third party acting on behalf of the person supported will be notified of the abuse.

l) Should the police determine the lack of criminal actions there may still be a need for discipline of staff for non-compliance to policies and procedures of Community Living Dryden-Sioux Lookout.

2. Un-witnessed or Alleged Acts of Abuse

a) Staff, volunteers and members of the board who are aware of alleged acts of abuse will immediately notify their Manager of Services or after hours the Emergency On-Call manager. The staff person will make sure all measures have been taken to assure the safety of the person being supported, they have access to required medical care and any medical or physical evidence is protected.
b) Use the Abuse Reporting Checklist and attach to your report as soon as possible.
c) All alleged, suspected or witnessed incidents of abuse will be documented immediately in writing in the format of an incident report but not in Nucleus Labs at this point.
d) Do not promise not to tell. Record what the person says in his or her own words but only to the degree to determine that abuse has actually happened.
a) If the appropriate Manager of Services has no other previously documented explanation available discounting the possibility of abuse, the staff, volunteer or board member who is aware of the alleged abuse will contact the police immediately.
b) The police in the appropriate jurisdiction will be given the names and contact information for the staff person who reported to them, the client and the alleged abuser as well as the Manager of Services to report back to.
c) The Manager of Services will contact the Director of Services and the Executive Director or designate immediately after the police are contacted.
d) Community Living Dryden-Sioux Lookout will not perform an internal investigation prior to the completion of the police investigation and the alleged abuser will not be informed. All parties are to keep the police investigation confidential.
e) The police will conduct their investigation and the Agency will cooperate fully and assist in providing access to staff and clients as needed for interviewing. Staff are asked to act in a professional and cooperative manner. The police will be specifically asked to report back their findings to the Director of Service in a timely manner so the Agency can respond appropriately.
f) Community Living Dryden-Sioux Lookout will discipline staff found guilty of abuse, will ensure the safety and rights of all people supported, and will report all incidents to Ministry of Community and Social Services through serious occurrence reporting.
g) Community Living Dryden-Sioux Lookout will ensure that appropriate support is provided to a person supported who has experienced an incident of abuse including accessing external services if applicable.
h) Community Living Dryden-Sioux Lookout will obtain consent of the person supported who has experienced an incident of abuse prior to involvement of any family member or third party acting on their behalf. After such consent has been obtained, family members or third party acting on behalf of the person supported will be notified of the abuse.
i) Should the police determine the lack of criminal actions there may still be a need for discipline of staff for non-compliance to policies and procedures of Community Living Dryden-Sioux Lookout.

MANAGER/DIRECTOR RESPONSIBILITY:

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 person supported (e.g. additional medical assistance, relocation of the person supported, 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 Community 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 person supported be provided
   c) Ministry of Community & Social Services (MCSS) and Ministry of Children's and Family Services.
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.
6. Make sure that the victim has access to all supports and counseling and training as needed and follow though to make sure it is documented.

INTERNAL REVIEW: Following the disclosure of the Police Investigation

1. Internal reporting procedures will be followed as per the Incident Reporting.
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 who, by doing so, place themselves in a position which could, or could be perceived to be, a conflict of interest.
3. If the alleged abuser is another individual in service she/he will be considered a person in need of treatment or support be the Agency unless the police determine that she/he be dealt with as a criminal offender.
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 person supported 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 a person supported in service will be immediately **terminated** from employment with the Agency.
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.

PREVENTATIVE MEASURES:

The Board of Directors and Leadership Team take their due diligence very seriously for protecting the health and safety of those we support. The following measures and supports are in place to reduce risk by eliminating conditions which may foster abuse:

1. Our abuse policy is reviewed yearly and as needed.
2. Our staff, volunteers and board of directors receive annual training on abuse as part of the Quality Assurance Measures Training.
3. Our staff, volunteers and board of directors endorse their knowledge and understanding of the Abuse, Person Supported Health and Safety, Person Supported Rights and Responsibilities, Feedback/Complaint Process policies annually.
4. Community Living Dryden Sioux Lookout staff can access the supports of Behaviour Therapists to develop behaviour support plans for people whose support needs are complex and challenging.
5. New people supported coming in to service who are known to be challenging to support have protocols in place and staff are oriented to these protocols prior to initiation of service.

ALLEGED ASSAILANT/ABUSER IS ANOTHER PERSON SUPPORTED, CLDSL WILL ENSURE THAT:

1. If the alleged assailant/abuser is another person served and it is suspected that there is a criminal act of abuse as outlined above then the same procedures for reporting to the police apply.
2. The person supported is deemed to have abused another supported person if criminal intent is suspected. If in doubt, consult with your Manager of Services.
3. Both the alleged victim and the alleged perpetrator are kept separate from each other (as far as possible);
4. Each person has the appropriate support, supervision and access to other professional resources (e.g. legal, medical, psychiatric, alternative service providers, etc.)

NOTE ABOUT FALSE ACCUSATIONS:

CLDSL recognizes that in rare cases a supported person will present with a well-documented history of making frequent and false allegations against other supported persons and/or Agency staff. In this difficult situation, the Agency must protect the person from the possibility of actual abuse, and also those around him who are clearly at risk.

To do this, the manager and the support team will develop a protocol that will become part of the person's supported Personal Support Plan. The protocol will speak to the documented history in question, and it will ensure that future allegations are taken seriously but also subjected to certain tests that would not be part of the normal investigative process.

MANDATORY REVIEW:

All polices pertaining to the prevention; identification and reporting of abuse will be reviewed and updated, annually.

REGULATIONS CITED

Services and Supports to Promote the Social Inclusion of Persons with Developmental disabilities Act Part II

Policies and Procedures on Abuse Prevention and Reporting:

"8(4) Where a service Agency suspects any alleged, suspected or witnessed incidents of abuse of a person with a developmental disability may constitute a criminal offence,

(a) ***the service Agency shall immediately report to the police*** *the alleged, suspected or witnessed incident of abuse; and*

(b) the service Agency shall not initiate an internal investigation before the police have completed their investigation.

8(5) A service Agency shall,

(a) complete a review of its policies and procedures to promote zero tolerance of abuse of persons with developmental disabilities at least once a year;

(b) assess whether changes to its policies and procedures may be necessary to prevent occurrences of abuse; and

(c) promptly implement the changes that are determined to be necessary as a result of the review.

Notification of incidents of abuse

9. *(1) A service Agency shall have policies and procedures on the notification of persons acting on behalf of the person with a developmental disability of an alleged, suspected or witnessed incident of abuse.*

(2) The policies and procedures on notification shall require the service Agency to obtain the consent of the person with a developmental disability before notifying others, if the person is capable of providing consent."

Forms

Abuse Reporting Protocol Checklist

References to Other Policies

SECTION	SUBJECT	NUMBER
People Supported	Feedback/Complaint Process	PS-11
People Supported	Health and Safety	PS-04
People Supported	Rights and Responsibilities	PS-06

Adoption and Review Guidelines

Date of Adoption: May 27th, 2014
Reviewed by Leadership: February 9th, 2023

ABUSE REPORTING PROTOCOL CHECKLIST

DATE REPORTED TO SUPERVISOR: _____ TIME REPORTED TO SUPERVISOR: _____
☐ DID YOU **WITNESS** THE ABUSE? IF YES, CALL THE POLICE IMMEDIATELY AND FOLLOW THE PROCEDURE FOR WITNESSED ABUSE. IF NOT FOLLOW THE PROCEDURE FOR **SUSPECTED** ABUSE.
☐ Is the victim a minor (child under 18) IF YES, THEN CALL THE APPROPRIATE CHILD WELFARE AGENCY.

PRIOR TO CONTACTING THE POLICE:

1. ☐ **Separate** the victim and the accused **immediately.**
2. ☐ Make sure the victim is safe and attend to any injuries.
3. ☐ Provide support to the alleged abuser if it is a supported individual as well.
4. ☐ Victims Full Name _____
5. ☐ Accused Full Name _____ ☐ Is the accused a person supported? ☐ N/A
6. ☐ Contact your immediate Manager of Services.
7. ☐ For any abuse involving children, you must contact:
   - Dryden: Kenora Rainy River Districts Child and Family Services
   - Sioux Lookout: Tikinagan child and Family Services or Kenora Rainy River Districts Child and Family Services
8. ☐ Inform the victim that the police are being called. (Abuse Prevention, Reporting and Investigation Policy).
   ****DO NOT investigate – do not ask questions about the incident other than to verify that something occurred against their will that is suspected to be criminal.**
9. ☐ Ask the victim if they want their family/legal guardian informed and/or involved – their consent is required (unless under the age of 18 then call the guardian).
   Consent Given: ☐ Yes ☐ No ☐ N/A
10. ☐ Complete a report following the Incident Report format in full with clear objective details. Do not use Nucleus Labs at this point. STEP BY STEP
11. ☐ Collect the following information to have for the Police when called:
    - Victim Information – Name in full, date of birth, address
    - Reporters Information – Name, Title, Agency Name
    - Accused Information – Name in full, date of birth, address
    - Other Information – Be able to inform if the victim is safe at the time of the call and the location of the accused.

COMMENTS:
_____
_____

CONTACTING THE POLICE:
Sioux Lookout OPP – (807)737-2020 Dryden OPP – (807) 937-5577 Emergency: 911
TIME OF CALL: _____
COMMENTS:
_____
_____

POLICE ARRIVE:
1. ☐ Ask victim what kind of support they would like (i.e. Staff to stay with them).
2. ☐ Provide Police and Victim a private place to talk.
3. ☐ Police Name: _____
4. ☐ Police Badge Number: _____
5. ☐ Incident Number: _____

<u>A Report following the Incident Report must be completed immediately and forwarded to your Manager of Services.</u> Do not use Nucleus Labs. Ensure the report has full details of the incident and all conversations. Hand this checklist into your Manager. ***When the external and internal investigation is complete you will be instructed to do your Incident Report in Nucleus Labs.***

_____ _____
Name/Position Name/Position

_____ _____
Name/Position Name/Position