

Policy & Procedure Manual

ABUSE – AD-III-1

POLICY:

NOTE: FOR THE PURPOSES OF THIS POLICY, "EMPLOYEE" INCLUDES ANY EMPLOYEE, VOLUNTEER or STUDENT ON PLACEMENT.

OPTIONS NORTHWEST has zero tolerance for abuse. All reported incidents of abuse shall be taken seriously and investigated by the appropriate authorities.

Any person receiving support from OPTIONS NORTHWEST who is a victim of abuse, shall be offered and receive as desired, physical and emotional support to meet their recovery needs.

Any person who witnesses an incident of abuse or suspects abuse has occurred to a person receiving support must report the incident or suspicion immediately. Employees who fail to do so may be subject to disciplinary action, up to and including termination of employment or placement.

In the event that physical or sexual abuse is shown to have occurred by an employee, termination of employment or placement shall occur. Any other form of abuse that is shown to have occurred shall result in disciplinary action up to and including termination of employment or placement.

If the offender is a person supported, for any form of abuse, the appropriate action shall be determined and taken.

PURPOSE:

1. To clearly communicate that no form of abuse will be tolerated.
2. To ensure that all potential abuse situations are reported and investigated in a timely manner by the appropriate authorities and that corrective action is taken to prevent recurrence.

DEFINITION:

“Abuse” is defined as any action or behaviour that causes or is likely to cause physical injury or psychological harm or both to a person with a developmental disability, or results or is likely to result in significant loss or destruction of their property.

“Abuse” includes any and all of physical, emotional, sexual, verbal, and financial abuse, and includes exploitation and neglect.

“Neglect” is the failure to provide a person with a developmental disability with the support and assistance that is required for their health, safety or well-being and includes inaction or a pattern of inaction that jeopardizes the health or safety of the person.

PROCEDURE:

A. Victim Support

1. For all situations involving abuse the employee shall: (a) offer the victim immediate access to first aid and/or medical assistance as required (b) offer reassurance and ensure the victim will be supported following the experience (c) ensure the victim receives debriefing and the ongoing support necessary for their healing and wellbeing offering and arranging for any necessary counselling.
2. All support and communication offered to the person during the inquiry process will be in a manner and a language understandable to the individual using all communication methods familiar to them.
3. As required and during the inquiry process provide information regarding what to expect and ensure someone the person is comfortable with will provide support.
4. Employees shall encourage the victim to avoid destroying any potential evidence (i.e. avoid showering in a situation of alleged sexual abuse).

B. Reporting

Alleged, Suspected, Historical or Witnessed Abuse Which May Constitute a Criminal Offense

1. Employees shall do the following:
 - Ensure the safety of the individual and if there is an immediate need for police assistance call 911 immediately.
 - Call the Supervisor/Supervisor on call/Manager/Manager on call/Director to report and advise of the alleged, suspected, historical, or witnessed abuse.
 - The Supervisor/Supervisor on call/Manager/Manager on call/Director will notify police as per Ministry Directive. **It is mandatory to report a potential criminal offence to the police and does not require consent of the person.**
2. No person shall interfere with, disturb, destroy, alter or carry away any article or things at the scene, so as not to tamper with any potential evidence, until clearance is given by either the Police or Management Personnel.

Following a police investigation and the Alleged, Suspected, Historical or Witnessed Abuse Which does NOT Constitute a Criminal Offense

1. If the police have concluded the alleged, suspected, historical or witnessed abuse **does not** constitute a criminal offense OPTIONS NORTHWEST will conduct their own investigation into the incident if there are grounds to proceed.
2. With the permission of the Thunder Bay Police, OPTIONS NORTHWEST may begin an internal investigation into a reported incident of alleged, suspect, historical or witnessed Abuse, prior to the Thunder Bay Police concluding.

C. Procedure Following Reporting

1. The employee shall document the incident by completing an Incident Report before going off duty in accordance with Incident Report and Follow-up Policy AD-I-6.
2. The Management Personnel who was informed of the alleged abuse shall ensure receipt of the Incident Report immediately upon its completion and shall ensure their Director/Designate is notified immediately.
3. In response to the report of a suspicious incident or injury the Management Personnel shall immediately consult with their Director/Designate and the Executive Director who will make a decision to report the matter to Police or to initiate an internal investigation.

Other Notifications

- a) A Serious Occurrence Report (S.O.R.) will be submitted to the Ministry of Children, Community and Social Services in accordance with Serious Occurrence Reporting and Follow Up Policy AD I-7.
- b) In the case where the person supported is a child as defined by the Child and Family Services Act (18 and under), the incident must also be reported to the appropriate Child Welfare Authority.
- c) Before notifying others, consent will be obtained from the person supported who is capable and for those people supported who are not capable of providing consent, notification will be made to the person acting on their behalf.

Internal Investigation

- 3. Where a decision is made to proceed with an internal investigation and in order to provide consistency, the Director of Human Resources/Designate will normally take the lead in conducting the internal investigation.
- 4. All employees having knowledge of the incident shall remain on duty until they are excused by the Management Personnel conducting the internal investigation.
- 5. If the incident involves a physical injury Management Personnel shall request an immediate physical examination by a medical practitioner. The examining medical practitioner shall be requested to provide a written report detailing the extent of the person's injuries and an opinion as to the probable cause of the injuries.
- 6. Where an internal investigation gives rise to suspicion that something which may constitute a criminal offense has occurred, it shall immediately be reported to the Police and the internal investigation shall be put on hold until the Police have given clearance to continue.
- 7. The findings of the preliminary investigation shall be conveyed immediately to the Executive Director/Designate, who shall then determine:
 - a) if abuse is substantiated, report as a Serious Occurrence
 - b) if further internal investigation is required; and
 - c) whether further notification is required, as provided for in the Child & Family Services Act and the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act
- 8. Debriefing for people supported and employees shall occur following all actual or alleged incidents of abuse. A record of debriefing shall be maintained in the personal notes of the individual supported and in the investigation file in Human Resources.

D. Clinical Services Only – Disclosure of Abuse

The same above Policy provisions apply as per Ministry Direction.

E. Abuse between People Supported

Where actual or alleged abuse occurs between two or more people supported, all protocols for support, reporting and notifications, as outlined in the procedures above may be followed depending on the nature of the incident reported. Action will be taken by OPTIONS in one of the following ways:

Accidental Hurt:

When a person supported, accidentally hurts someone or randomly strikes out at those in the environment, the accidental, spontaneous nature of the event makes the action without intent and as such, is viewed as a behavioural incident. If the person has a Behaviour Support Plan in place, the plan will be reviewed to ensure it includes support strategies that offer the greatest opportunity to successfully reduce the chance of further harm to anyone and to keep everyone safe. Additional referrals i.e. clinical, shall be made as necessary. If there is no Behaviour Support Plan in place Behaviour Intervention and Positive Support Strategies Policy AD-III-4 will be followed to determine if one is required. First aid and appropriate support will be available as required to the person or the employee who is a victim in these situations.

Criminal Abuse:

When a person supported targets another person receiving supports or an employee, and this results in hurt, harm or victimization of that specific person, the matter will be referred to the police, due to there being reasonable grounds to believe that something has occurred which may constitute a Criminal Offence, such as a physical or sexual assault. It is up to the Police to investigate and to determine whether criminal charges are warranted. Once the Police have been notified, no internal investigation will be initiated until the Police have given clearance to do so. All internal reporting procedures outlined in this policy shall be followed. Ongoing, nonjudgmental support to all persons shall continue to be provided. First aid and appropriate support will be available as required to the person or employee who is a victim in these situations.

F. Training/Education

People supported and employees will receive RRPA (Respecting Rights, Preventing Abuse) training upon hire or the commencement of their involvement with the organization and annually thereafter.

Persons acting on behalf of people supported, and Board Members will read and sign this policy upon commencement of their involvement with the organization and annually thereafter.

G. Policy Review

A mandatory review of this policy and its procedures shall be conducted annually by OPTIONS NORTHWEST's Board of Directors and Management Personnel and will be updated as required.

A written record of the annual review shall be recorded in Board and Management Meeting Minutes.

RECOMMENDED BY: Administration

APPENDICES: 0

OPERATIONAL ACCOUNTABILITY: Board of Directors, Administration, Finance, Human Resources, Community Services (all), Volunteers, Students

ORIGINAL POLICY DATE: November 1991

AUTHORIZED BY: Executive Director

SIGNATURE:  _____