

SCOPE: This policy applies to people supported, staff, students and volunteers.

1. Abuse Prevention, Identification and Reporting

POLICY: Community Living Grimsby, Lincoln, and West Lincoln is committed to providing a safe, nurturing, and respectful environment that promotes the emotional and physical wellness of people supported, staff, students and volunteers. **There will be ZERO TOLERANCE for harassment.**

PROCEDURES:

- The Agency is committed to the following principles and will:
 1. Create an environment of respect and safety for everyone.
 2. Eliminate all conditions within the organization that foster abuse.
 3. Take any allegation of abuse seriously.
 4. Provide support and protection for the victims of abuse.
 5. Educate people supported, families and the community about abuse issues.
 6. Establish an expectation that all staff, contract staff and third parties, have positive and respectful attitudes towards persons with disabilities.
 7. Screen staff, students, and direct service volunteers through professional and personal reference and criminal record checks.
 8. Orient and train all staff, students and volunteers to the agency's abuse policy and procedures.
 9. Ensure all staff, students, and direct service volunteers understand they have a duty to report suspected, alleged or observed abuse.
 10. Discipline, up to and including dismissal, of any staff, student or volunteer who has failed to report abuse.
 11. Provide support to families, peers, staff, student and volunteers 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.
 13. Safeguard the rights and dignity of all parties, including the alleged abuser, during the investigation process.
 14. Report all allegations of abuse to the Ministry of Children, Community and Social Services (adult and children) via a Serious Occurrence Report. Where children are involved, the appropriate child welfare agency must also be contacted.
 15. Inform all affected parties of the results of an investigation.
 16. Obtain and document consent from the person before notifying family or guardian.
- 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 or psychological abuse** – is the attempt to control someone by subjecting them to constant criticism, insults, threats, humiliation or intimidation.
 - **Verbal abuse** – the use of demeaning language and name calling directed toward a person. This includes any negative comments on someone's disability or their appearance.
 - **Physical abuse** – assault or the threat of an assault (e.g. hitting, slapping or burning) that causes or could cause physical injury or fear of physical injury.

- **Financial abuse** – the misuse, misappropriation or restriction of a person’s financial assets for personal gain.
 - **Neglect** – is failure to provide a person with the support and assistance that is required for their health, safety, or well-being. This includes inaction that jeopardizes the health or safety of the person.
 - **Sexual abuse** – unwanted touching of a person’s sexual body parts. Lack of consent is the defining feature. Sexual abuse is also the denial of a person’s right to engage in consenting sexual behaviour.
 - **Harassment and Sexual Harassment** – **Harassment** is any comment, conduct, or gesture that is insulting, intimidating, humiliating, malicious, degrading, offensive, or discriminatory directed toward a person or group of people. **Sexual harassment** is any comment or conduct of a sexual nature with the intent of causing offence or humiliation.
 - **Exploitation** – is any attempt to trick or manipulate a person for personal benefit. This includes persuasion to do things that are illegal or not in the person’s best interest. This includes the use of social media i.e. Facebook, Instagram etc...
- Immediate Response:
 - In the case of neglect or abuse of children, refer to the Abuse Policy for Reporting Abuse of Children.
 - 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 is followed.
 - An Abuse Checklist Form must be completed on ShareVision to ensure all required steps are followed.
 - **Any person who found guilty of abuse of a person in service WILL BE DISMISSED. This applies to all staff, students, volunteers, board members, contract or third party supports.**
 - People supported by the agency shall be informed about the abuse policy at a level of the person’s understanding, and all claims will be addressed and reported immediately.
 - 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.
 - Confidentiality must be respected at all times. No gossip of the event will be tolerated.

Procedures for Direct Support Professionals:

- Treat allegations, suspicions, or actual incidents of abuse seriously. If a person supported discloses that they have been abused, you must record what they say in their own words. 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 their investigation.**
- Protect the person (victim). Make sure that they are safe and provided appropriate support. Arrange for medical treatment as needed.
- Make sure that the person supported and the person alleged to have committed the abuse are separated. They should not be together.
- Protect any physical or medical evidence – **do not** move or clean items up or have the person supported bath/shower.
- Contact your Coordinator/Supervisor, their replacement or Weekend On-Call representative immediately; do not leave a message or an email. If the alleged abuser is in the management group, contact this person’s Supervisor, up to and including the President of the Board of Directors.

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

Procedures for Supervisors/Coordinators/Directors:

- Assume leadership of the situation once contacted.
- Assess the situation through appropriate actions, which may include:
 - Discussing the allegation presented with staff receiving the information.
 - Reviewing the documentation completed.
 - Meet with the person supported (victim) and/or visit the program location.
- Determine the need for immediate action including:
 - Steps to ensure the safety and support of the person supported (i.e. additional medical assistance, relocation of people, staff, or volunteers).
 - Contact the police or delegate to the person with the most accurate information, ensuring that facts and evidence support the reporting abuse allegation using the Abuse Reporting Checklist Form in ShareVision. **No internal investigation can be undertaken until the police have completed theirs.**
 - Where children are involved, the appropriate child welfare agency must also be contacted immediately.
 - Submission of a Serious Occurrence Report to the Ministry of Children, Community and Social Services.
- Notify and consult with others as appropriate, including:
 - The Director and the Executive Director.
 - The family or guardian should consent from an adult person be provided.
 - Ministry of Children, Community and Social Services.
- 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. Place them on administrative leave until the investigation is completed.

Supporting the Police Investigation:

- If requested by the police, the agency will provide a place for interviewing the person(s) and staff that is neutral and safe, and is not a room where the abuse allegedly occurred.
- The Executive Director and/or designate will make available to 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.
- The Executive Director and/or designate will also provide any information necessary to help the police understand the intellectual disability of the alleged victim and/or perpetrator.
- Following their investigative protocol, the police may carry out detailed interviews with:
 - The person who reported the abuse.
 - The person who initially suspected the abuse (if different from the person who reported).
 - The alleged victim(s).
 - The alleged offender(s).
 - Any witnesses to the alleged abuse.
 - 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. Police may request agency staff assist with communication. Staff must not lead or coach the

- person during the interview and only interpret what is asked and the person's response.
- Aids will be made available if needed to facilitate communication.
- If a medical examination is required as part of the investigation, this will be carried out by a medical professional and in such a manner to minimize stress for the person.
- 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 the person and staff.
- At the conclusion of the investigation, the police will notify the agency if there was any evidence of abuse, whether charges are being laid, and if they have any recommendations concerning further actions to be taken.

Internal Review Procedures Following the Disclosure of the Police Investigation:

- After the police investigation, the Executive Director or designate in consultation with Human Resources may initiate an internal review regarding any allegations concerning the conduct of staff, students and volunteers at any time aside from allegations involving abuse. No one who could be perceived as having a conflict of interest will conduct the investigation.
- If the alleged abuser is another person supported by the agency, they will be considered a person in need of treatment or support by the agency, unless it is determined that they have committed a criminal offence.
- If the alleged abuser is a staff, student, volunteer, and/or caregiver:
 - The staff, student, 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 have been completed to ensure both the protection of the person supported, staff, student, 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. Their financial and benefit status will be maintained.
 - Staff witnessed and/or found guilty of abusing a person supported by the agency will be **immediately terminated**.
 - Should there be evidence of abuse committed by a volunteer or student, they will no longer be permitted to continue with the agency.

Media Strategy/Procedures:

- The Executive Director or designate will be the designated media contact. No information will be given off the record and without written consent where applicable.
- Allegations of abuse require a Serious Occurrence, and if the media or community attention is involved, this may require a Level One Serious Occurrence Report to be completed and sent to the Ministry of Children, Community and Social Services within one hour of being aware of the incident.

Notification of Abuse Procedures: Peers, Family, and Friends:

- **All abuse must be reported to the police – consent to report to the police is not required.**
- To notify other people, the agency must obtain the consent from the person supported, if capable to consent.
- Should there be a person selected to act on behalf of the person supported by the agency, they are to be contacted immediately and informed of the person's status as well as

location. It is imperative that the person acting on behalf of the person supported be informed of the appropriate actions taking place, including the information related to the police investigation as mandated by the Reg. 299/10.

Education, Orientation, and Training: (as per Regulation 299/10, 8(2)(a)(ii))

- **Staff:** A review of this policy and other training materials related to preventing abuse is mandatory for all employees, including Coordinators/Supervisors, and Directors. Orientation must be completed within thirty (30) days of hire, and annually thereafter.
- **Volunteers/Students/Board Members:** Will review this policy as part of their initial orientation, and annually thereafter.
- **People Receiving Supports and Services:** The agency will ensure that people who receives supports and services are provided with information about abuse prevention and reporting in a language and manner appropriate to their learning and understanding, initially as part of the admission process, and annually thereafter from the date of training.
- A record of all education, orientation, and training will be maintained.

Mandatory Review:

- This policy will be reviewed annually and updated as required. Any changes will be made promptly to further enforce the agency’s commitment to **zero tolerance** toward the abuse of people living with a developmental disability.

References:

- Related Legislation and Policies:
 - Child, Youth and Family Services Act, Province of Ontario
 - Services and Support to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008
 - QAM (Quality Assurance Measures)
 - Policy: Rules of Conduct
 - Policy: Reporting of Abuse of Children
 - Policy: Incident Reporting
 - Policy: Serious Occurrence Reporting
 - Policy: Consent
 - **ReportON** – Ontario.ca/ReportON 1-800-575-2222

Annual review

Date Implemented	August 1, 1991		
Date	Sept. 13, 2019	May 20, 2021	
Reviewed or Revised	Revised	Revised	