
POLICY SECTION: SUPPORT SERVICES

POLICY NO: SS7

POLICY TITLE: ABUSE OF SUPPORTED INDIVIDUALS

EFFECTIVE DATE: APRIL 2, 2002

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PURPOSE:

Community Living Wingham & District is committed to the quality of life for individuals supported by Community Living Wingham & District and will endeavor to provide a safe, nurturing, and respectful environment. Community Living Wingham & District will endeavor to maintain individual's rights as referred to by the Canadian Charter of Rights and Freedom and the Ontario Human Rights Code.

POLICY:

Community Living Wingham & District shall ensure that all employees, volunteers, Board of Directors, students, and supported individuals have access to policies and procedures related to abuse of supported individuals, and shall receive the training, support and assistance necessary to take action in the identification, response to, and prevention of abuse and neglect.

COMMUNITY LIVING WINGHAM & DISTRICT shall not and does not tolerate any form of abusive treatment. Abuse refers to any act or situation which may be physically, emotionally, psychologically, financial or sexually harmful, inappropriate or neglectful in nature. Behavior which demeans or infringes on personal rights, dignity or places any individual's health and safety at risk within Community Living Wingham & District shall not be tolerated.

Failure to comply with the above policy shall result in disciplinary action.

PROCEDURE:

i) Definition of abuse:

Abuse is any action or behavior that causes or is likely to cause physical injury or psychological harm, or both, to a person with a developmental disability, or results in or is likely to result in significant loss or destruction of their property, and includes neglect.

•**Sexual abuse** is described as the unwanted touching of a person's sexual body parts. The lack of consent is the defining feature. It is important to note that the relationship between a supporter and a supported individual make it impossible for consent to exist. Sexual abuse includes the denial of a supported individual's right to engage in consenting sexual behavior

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• **Physical abuse** is described as an act of assault or a threat of an assault, such as hitting, slapping and burning that cause or could cause actual physical injury or fear of physical injury or any unpleasant situation.

• **Verbal abuse** is described as the use of demeaning language and name calling. Negative verbal depictions of disability or attractiveness are also forms of verbal abuse.

• **Psychological abuse** is described as constant criticism, insulting, threatening, degrading, humiliating, intimidating or terrorizing actions.

• **Emotional abuse** is described as the misuse of power in any way, to cause a supported individual to lose respect for themselves.

• **Psychological and emotional abuse** can also include the demeaning of faith or beliefs or the imposition of another's faith onto a supported individual.

• **Financial abuse** is described as the misuse or restriction of someone's financial assets for personal gain.

• **Neglect** is described as the failure to provide the necessities of life, such as food, clothing, shelter, care or supervision. Supported individuals in care have a right to expect their basic needs will be met and that they will be provided with appropriate supervision for their age and their developmental needs.

• **Exploitation** is described as taking advantage of a supported individual's disability to trick or manipulate for personal benefit. This includes persuasion to do things that are illegal or that are not in the best interest of the individual.

• **Harassment** is described as any comment, conduct or gestures that are insulting, intimidating, humiliating, malicious, degrading, offensive or discriminatory, towards a supported individual or group of individuals.

• **Sexual harassment** is described as any comments or conduct of a sexual nature undertaken with the intent of causing offence or humiliation.

• **Criminal Offense** is any offense found in the Criminal Code of Canada. This includes but not limited to assault, sexual assault, threats, fraud, theft, harassment and failing to provide the necessities of life.

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ii) **Protection from abuse, and prevention strategies:**

Individuals supported by Community Living Wingham & District have the right to be protected from abuse, and if abused, the right to immediate support, protection and treatment.

Community Living Wingham & District will have preventative strategies in place, which will include but are not limited to:

- providing mandatory orientation, staff training and annual review for all employees, Board of Directors and volunteers of Community Living Wingham & District's policies and procedures, including abuse of supported individuals, the prevention, identification and reporting of such abuse
- initial and ongoing screening procedures, including interviewing and hiring practices, employment reference checks and criminal reference checks with vulnerable sector screening
- encouraging employees and volunteers to attend additional training opportunities relevant to their duties, as identified through individual meetings, performance appraisals, or training.

iii) **Reporting Abuse:**

The health, safety and wellbeing of each individual should be the first priority. Immediate first aid and physician care should be sought for the abused individual, if needed.

Reporting abuse to police: In regulation 299/10 of the Quality assurance measures states "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, the service agency shall immediately report to the police the alleged, suspected or witnessed incident of abuse."

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This could include member to member abuse to police if the service agency believes that incident may constitute a criminal offence - i.e. had intent to cause physical injury and/or psychological harm, destruction of property or significant loss of. Regulation states that the person who witnessed, suspected or had the abuse reported to them directly by the victim contact the police. Consent of the victim is not required to report abuse to the police.

Staff can become aware of abuse in many ways:

- Observe it, at which time no questions are to be asked
- Reported to us
- Reported indirectly to us by another person
- Appearance and/or behavior (bruising, torn clothing etc.)

After an employee makes contact with police the designated Program Manager and/or Executive Director needs to be notified to report a serious occurrence.

In a situation where there is no direct evidence (such as change in behavior) then the employee or volunteer should document the incidents to determine if there is a pattern to the abuse. As soon as there is evidence that abuse is taking place then the police should be notified.

Once the police are informed of a case of alleged abuse, employees or volunteers should not continue to discuss the alleged abuse with the supported individual and should take care not to interfere with any potential evidence. Staff will encourage the supported individual to not discuss the alleged abuse with anyone until the police arrive.

Anyone with knowledge about the incident shall be available to police as a resource for information.

Should an employee or volunteer be required to be interviewed by the police, the employee shall only give factual information regarding the incident. At no time will the employee state his or her opinion or give subjective information about the alleged abuse or abuser.

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Community Living Wingham & District shall not undertake an internal investigation until any police investigation is completed.

The longer reporting abuse is delayed, the more difficult it will be to both ensure safety and deal with the situation effectively. It is important to note that only the police can determine if an act is criminal in nature.

iv) Supported Individual consent to notify others

After the police are informed, if the person is capable, it is their decision as to who will/will not be informed. If the individual is not capable, their substitute decision maker must be informed of the abuse.

v) Protection for Individuals reporting abuse

An individual reporting abuse will be supported throughout the process and will be protected from any repercussions as a result of reporting abuse. When the alleged instigator is in a senior position, employees will report to a designate, appointed by the Executive Director.

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vi) Management and investigation of alleged abuse or neglect

Employee responsibility

Intervention

- Intervene to ensure the person's immediate health, safety and wellbeing. Provide for immediate medical attention of first aid treatment, but proceed with necessary caution to preserve any physical evidence.
- Report any abuse to police.
- Provide detailed incident reports in regards to the incident. Incident reports can be used in a court of law and need to be accurate and clear. Do not make general statements i.e. staff hit him on the upper left arm with a closed fist. Make your statement objective. Do not use language the person would not use. Record any questions/action you have taken. Report on the allegations made nothing more.

Employees are required to inform management within one hour for serious occurrence reporting purposes.

Any inquiry from any outside agency, other than the Police in the investigation of the allegation, regarding an incident of alleged abuse shall be referred to the Executive Director or designate.

vii) Conduct towards the affected parties

All persons have the right to be heard if they believe they or someone they know has been mistreated. The person reporting alleged abuse and the allegedly abused will be kept separate from the person accused. Until an investigation can be held, the situation as described by the person reporting alleged abuse will be supported. Any person who may have suffered, witnessed or reported abuse will be provided with support, protection and confidentiality.

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The person reporting the alleged abuse and the allegedly abused will be supported and assisted in obtaining an advocate of their choice, if desired. In all cases the wishes of the supported individual allegedly abused will be respected. When supported individuals cannot make their wishes known, a family member friend or advocate will be notified by the Executive Director or designate.

The Program Manager, Executive Director or designate will provide information to the alleged victim, advocate, family and employees regarding resources available which may assist in dealing with abuse issues.

Community Living Wingham & District shall provide a supportive, non-threatening atmosphere during the time when, or if a disclosure from the alleged abuser or victim takes place. The alleged victim's consent shall be required to record the alleged victim's disclosures and the purpose of the records shall be explained. In potential legal proceedings, these records may be subpoenaed in a Court of Law.

It is not a support worker's role to investigate, other than asking open ended questions to establish initially whether abuse might have taken place. Questions such as: How are things going? Can you tell me more? Do not ask why, when, where, or who questions.

Those are leading questions and will lead to contamination in the report. Direct support staff and volunteers should refrain from questioning or investigating allegations once there is any indication that abuse has occurred.

Await further instructions from the Police, Program Manager, and Executive Director or designate, as appropriate. Do not discuss this incident with anyone other than the Manager, Executive Director or designate. The appropriate employees will be informed of the situation and will be given direction as to what their responsibilities will be during and after the investigation.

All information shared will be at the discretion of the Program Manager, Executive Director or designate.

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viii) **Media Contact**

All media contact should be directed to the Executive Director or Board President.

ix) **Communication with the Board of Directors and the Ministry**

The Board of Directors and the Area Office of the MCSS will be notified by the Executive Director or designate in writing of the incident within 24 hours of the notification.

x) **Follow Up**

The person reporting the alleged abuse or the allegedly abused and/or their advocate are entitled to receive information as to the outcome of the investigation.

xi) **The alleged abuser**

The alleged abuser will be removed immediately from close proximity to persons supported by Community Living Wingham & District and employees to ensure everyone's protection. Everyone is considered innocent until proven guilty.

An employee under investigation for abuse will not attend work until the investigation by appropriate external authorities, and/or Community Living Wingham & District internal authorities has been completed, and Community Living Wingham & District is satisfied that the matter has been resolved.

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Should charges be laid against an employee alleged to have committed an offense, the employee will:

- a) not work but receive pay until resolution or
- b) not work and not receive pay until resolution

If Community Living Wingham & District suspects abuse from the substitute decision maker, do not contact them; ask the police how to proceed.

xii) **Disciplinary Action**

Any instance of abuse or neglect of a person supported by Community Living Wingham & District, by any employee will result in disciplinary action, as determined by the Executive Director, or designate, in consultation with the President.

Disciplinary action may include but is not limited to:

- reassignment of the employee to duties which do not permit unsupervised access to individuals supported by Community Living Wingham & District
- suspension from duties with pay
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- dismissal from employment

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If an employee or volunteer is convicted of a criminal offense, the person will be dismissed immediately.

If a supported individual at Community Living Wingham & District is convicted of a criminal offense, the individual will be required to review with family members, support team, the Program Manager and the Executive Director, their Community Living Wingham & District service plan or plan of action immediately.