

ABUSE PREVENTION and REPORTING POLICY and PROCEDURES

WIN'S POLICY

Westlock Independence Network shares the ethical responsibility with all stakeholders to try to prevent or reduce the risks of abuse. WIN also has an ethical and moral responsibility to take action with all allegations of abuse.

All Employees will participate in the Abuse Prevention and Response Training and the Protection for People In-Care Act presentation within the first six months of employment and every three years thereafter. All individuals WIN serves will participate in yearly review of the Services Manual which includes information on their rights and what to do in case of abuse.

PROCEDURES

8.1. DEFINITIONS

A. Abuse Reporting Protocol DEFINITIONS:

Abuse occurs “in any situation where a more powerful person takes advantage of a less powerful one” power differential.

WIN will respond to all abuse allegations (even when the individual is known for being deceptive as this makes the person even more vulnerable to abuse)

WIN recognizes that abuse means many different things to people and is defined in many ways. For the purpose of this manual, WIN defines categories of abuse under the following headings:

- **Physical Abuse** – Physical acts of assault (or threats of) such as hitting, kicking, biting, throwing, burning or violent shaking that causes or could cause physical injury.
- **Sexual Abuse** – Sexual assault (touching of a person’s sexual features without consent) or Sexual harassment (any conduct, comment, gesture or contact of a sexual nature likely to cause offense or humiliation to an individual).
- **Negligence** – Failure to provide or make available necessities (such as food, clothing, shelter or protection from hazardous environments, care or supervision appropriate to the person’s age or development, hygiene and medical care).

- **Emotional Abuse** – The rejecting, ignoring, criticizing, insulting, threatening, harassing, degrading, humiliating, intimidating or terrorizing of a person. Acts of omission that cause or are likely to cause conduct, affective or other mental disorders, emotional stress or mental suffering.
- **Exploitation** – Taking advantage of a person, including but not limited to money and things, as well as persuasion to do things that are illegal or not in the individual’s best interest.
- **Inappropriate Use of Restrictive Procedures** – Use of restrictive procedures that are outside the parameters of the Creating Excellence Together (CET) provincial Certification Standards adopted by the PDD Regional Board.

B. Protection for People in Care DEFINITIONS:

There is no longer an element of “intent” in the definition of abuse. The focus has shifted to abuse which results in *serious harm* to the client.

Abuse means an act or omission with respect to a client receiving care or support service that:

- causes serious bodily harm;
- causes serious emotional harm;
- results in the administration, withholding or prescribing of medication for an inappropriate purpose, resulting in serious bodily harm;
- subjects an individual to non-consensual sexual content, activity or behaviour;
- involves misappropriating or improperly or illegally converting a significant amount of money or other valuable possessions; or
- resulting in failing to provide the adequate nutrition, adequate medical attention or another necessity of life without a valid consent, resulting in serious bodily harm.

8.2. LEGAL ASPECTS OF ABUSE:

WIN supports Individuals of different ages, with different funding sources and in different settings. These factors can impact the authority or the external source that may need to be informed or involved in reviewing abuse allegations. (Examples: Police, Child Welfare, Protection for Persons in Care Act, Funders of the Support Services, etc.) It is the responsibility of the Executive Director and/or the person leading the internal review to be aware of those authorities and involve others as needed.

Some allegations of abuse may be criminal acts and are dealt with by the judicial system. Other allegations of abusive incidents or situations may be of an ethical rather than criminal nature. Ethical dilemmas are common in human services. An example of this may be the inappropriate use of restrictive procedures. Non-criminal abuse is dealt with by the agency through the correction of policy and practices, or the correction and/or discipline of Employees which could include termination.

8.3 PREVENTION AND EDUCATION (EMPLOYEES):

In order to try to prevent incidents of abuse, WIN will not hire an employee who has a known record of abuse. Furthermore, all employees, full-time, part-time, casual, and volunteers will be thoroughly familiar with the agency's philosophy and principles of support. In addition, all employees shall be trained in the abuse policy, i.e. they shall know the signs of abuse to watch for, how to deal with abusive incidents/situations, and reporting requirements. All Employees will participate in mandatory training in preventing and responding to abuse. A certificate to confirm training (signed by both the presenter and the employees) will be kept on the employee's file. All Employees and Volunteers of WIN will be required to obtain Canada Police Information Clearance as well as a Child Welfare Information Service Clearance prior to their employment with the association and according to Personnel Policy thereafter. Potential employees will be asked interview questions in this area as well.

8.4 PREVENTION AND EDUCATION (INDIVIDUALS):

In order to prevent incidents of abuse, WIN will ensure that employees recognize the rights of Individuals and encourage the development of decision-making skills. WIN will assist Individuals to understand their right to be treated with dignity and respect, how to recognize abuse and know actions to take. Individuals are given a Services Manual, which will include a section dealing with Individual's rights and what to do in case an Individual's rights are violated or an otherwise abusive situation occurs. This handbook will be reviewed with the Individual and an Employee as part of the initial orientation and annual planning checklist thereafter.

8.5 TAKING ACTION:

WIN and its employees have an ethical and legal responsibility to report any concerns about wrongdoing or mistreatment of Individuals in service. If an Employees reasonably suspects or believes that an Individual has been or is being abused, they are required to immediately report the matter. All

allegations of abuse will be reported to all applicable authorities and will be followed with a review(s).

Employees may suspect abuse:

- By witnessing it
- Through behavioural indicators
- Through a report from a third party
- Through a disclosure by the alleged victim
- Through any other means, e.g., reviewing Daily LogNotes, Incident Reports or Health Notes etc.

If an employee suspects abuse, they will do the following:

- If there is physical evidence from the person or the environment **DO NOT** move it or clean it. (Do provide first aid if required),
- Using discretion, take appropriate photos unless the potential victim refuses.
- Do not ask leading questions e.g. did someone hit you, or questions that can be answered yes/no. Instead you may ask questions that encourage the potential victim to detail their own answers.
- Report the incident to the Program Coordinator/Executive Director **WITHIN 24 HOURS** (this is the total time allowed for the reporting, reviewing, and follow-up).
- An employee may also report directly to the PPICA (see below).

If an Employee witnesses abuse, they will:

- Intervene and ensure the safety of the alleged victim, (employees are not required to put their own physical safety at risk),
- Seek medical assistance if required,
- Ensure the safety of all individuals potentially impacted by the incident,
- If there is physical evidence from the person or the environment **DO NOT** move it or clean it. (Do provide first aid if required)
- Using discretion, take appropriate photos unless the potential victim refuses.
- Complete an Abuse Allegation Report on ShareVision within 24 hours. (*employeeservices/privateforms/abuseallegationreport*)

- Report the incident to the Program Coordinator/Executive Director as soon as reasonably possible.
- If the allegation involves the Program Coordinator(s) then go directly to the Executive Director. If the allegation involves the Executive Director report to the Program Coordinator(s) or directly to the applicable authority (PDD, Protection for People in Care or the RCMP).
- If uncertain, err on the side of caution and report your concern anyway. It is not up to the person reporting the matter to determine whether the observation is sufficient evidence for any type of investigation or review. All these concerns must be reported and will be addressed by WIN.
- The Executive Director must be informed within 24 hours from the initial report.
- An employee who fails to report abuse within 48 hours may be subject to discipline up to and including dismissal.
- All reasonable steps will be taken to protect the reporter's privacy. Protection for Persons in Care (PPCA) does not reveal the name of the complainant to any party except circumstances. The complainant's identity will be disclosed in the following situations:
 1. If a person initiates an appeal of the director's decision under the PPCA,
 2. If PPCA refers an abuse report to the police.
 3. If PPCA refers an abuse report to a professional association or other committee, body or person for investigation.
 4. When required by law to do so.

NOTE:

- i. Failing to report abuse, including staff to client abuse is an offense under the PPCA Act.
- ii. WIN taking adverse action against an employee or client who report abuse is also a legal offense under the PPCA Act.

WHERE TO REPORT ABUSE:

There are four options for reporting abuse.

1. Report abuse to the Protection for Persons in Care office.

To report abuse, call the PPCA reporting line at 1-888-357-9339.

NOTE: This line is not a crisis line and operates weekdays from 8:15 a.m. to 4:30 p.m.

To report abuse in writing, mail or fax it to:

Alberta Health

Attn: Protection for Persons in Care

Station M, Box 476

Edmonton, AB T5J 2K1

Fax: 780-415-8611

2. Report abuse to the police.

If a person's safety or well-being is in immediate danger, or if the abuse is criminal in nature, call your local police service.

3. Report abuse to a professional regulatory body.

If the incident involves a health professional such as a physician or nurse, or a member of a health discipline such as an emergency medical technician or acupuncturist, the abuse may be reported directly to the applicable regulatory body.

4. Report abuse to the Mental Health Patient Advocate

Report abuse to the Mental Health Patient Advocate at 780-422-1812 if the client is or was under one or two admission certificates under the *Mental Health Act* or if the client is or was subject to a Community Treatment Order at the time the alleged abuse occurred.

PPCA involvement if abuse is reported to the police or another body

When a complainant reports abuse directly to a police service, to the Mental Health Patient Advocate or to a regulatory body, the reporting requirements of the PPCA have been met. In such cases, the PPCA office has no role.

8.6 WIN's REVIEW PROCESS:

Once the Executive Director has received and reviewed the incident report, he/she or their designate will initiate the review process including:

- An internal and/or external review. All Employees will fully co-operate with this process. This review will ensure the immediate safety of the Individual and address employee relations' issues.
- The Executive Director will reassign the alleged abuser to work non-direct care and/or will suspend the alleged abuser with or without pay until a review is completed and long-term decisions can be made.
- A preliminary report is required to PDD within one working day of becoming aware of an allegation
- An investigation will commence with all parties that may be involved or have information pertaining to the incident.
- A final more detailed report must be provided to the PDD representative within 30 days of the allegation.
- A copy of the Report (findings, etc.) will be placed in the individual's file and the employee's personnel file outlining the incident regardless of the finding.
- A letter will be placed on the employee's personnel file outlining the incident regardless of the finding.
- Recommendations based on the findings of the investigation, may include a plan for changes to procedure or practice, retraining employees, etc.
- Upon completion of the review, the Executive Director will share this report with the Individual and or family guardian, the reporter and the alleged perpetrator (whenever reasonable).

All attempts will be made to maintain confidentiality in all aspects of the reporting and review process. Disclosure of any personal information collected during the process by or on behalf of WIN is subject to rules of Freedom of Information Protection (FOIP).

Note: As per *Section M. Disciplinary Action* in WIN's Personnel Policy and Procedures Manual; abuse of an individual is considered a major offense and is subject to severe action including but not limited to suspension with or without pay, demotion, or immediate dismissal.