


COCHRANE TEMISKAMING RESOURCE CENTRE

POLICY MANUAL: HUMAN RESOURCES

POLICY #: 1

<p>Title: ABUSE OF CLIENTS. GUIDELINES FOR THE INVESTIGATION OF ABUSE & SUSPECTED ABUSE BY EMPLOYEES, VOLUNTEERS AND FIELD PLACEMENT STUDENTS</p>	<p>Page 1 of 7</p>
<p>Approval/Revision Date(s) Mgt. Jan/79; Sept./86; Sept. 91; June 97; May 98, May 2009, January 2011, Oct 2011. Jan 2017, May 2018, May 2019</p>	<p>Last Revision: June 2020</p>
<p>Issued by HUMAN RESOURCES</p>	<p>Signed by</p>
<p>For Use By ALL Departments/Sites</p>	<p>Executive Director </p>

POLICY STATEMENT:

ABUSE OF CLIENTS WILL NOT BE TOLERATED. MANAGEMENT REGARDS ANY POSSIBLE INDICATOR OF ABUSE AS A VERY SERIOUS MATTER. THE LEGISLATED REQUIREMENTS OF THE “SERVICES AND SUPPORTS TO PROMOTE THE SOCIAL INCLUSION OF PERSONS WITH DEVELOPMENTAL DISABILITIES ACT, 2008” (SECTIONS 299/10: 8 THROUGH 9 INCLUSIVE) MUST BE COMPLIED WITH. IT IS MANDATORY THAT ALL INCIDENTS OF ABUSE OR SUSPECTED ABUSE OR ALLEGED ABUSE ARE REPORTED IMMEDIATELY, ADHERING TO THE PROCEDURES OUTLINED IN THIS POLICY.

GENERAL:

The Cochrane Temiskaming Resource Centre provides Residential Services and Community Supports to people with Developmental Challenges. It is expected that at all times employees, volunteers, and field placement students will uphold each person’s right to live in a state of dignity and receive protection from any form of abuse, exploitation, degradation, or harassment. It is also expected that the conduct of all staff, volunteers, and field placement students will promote the physical and psychological well-being of each individual.

The following guidelines have been developed to ensure that these principles are continuously followed, to provide protection to clients and to safeguard their rights. The guidelines have also been developed to give employees, volunteers, and field placement students the direction needed in order to perform their duties and be aware of expectations and consequences.

Clients include all individuals with developmental disabilities receiving services and supports from Cochrane Temiskaming Resource Centre.

Executive Director's Signature:

For additional information refer to Professional Resource Team Policy #5 General Support Strategies; Professional Resource Team Policy #14 and Residential Services Policy #20 Support Strategies & Restrictive Procedures; General Operations Policy #18 Serious Occurrences, Reporting of; and General Operations Policy #22 Abuse and Harassment-Prevention Guidelines

DEFINITION OF ABUSE:

“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, and includes neglect.”

Abuse includes sexual abuse, physical abuse, verbal abuse, psychological abuse, emotional abuse, financial abuse, neglect, exploitation, harassment, sexual harassment.

Other behaviours which CTRC considers abusive includes:

- (a) The use of medication without consultation with medical staff or in contravention of CTRC's guidelines.
- (b) The use of behaviour management techniques and support strategies which are not approved by CTRC or other Ministry (i.e. MCSS, MCYS) standards.
- (c) Deviating from and not complying with clients' treatment plans.

REPORTING ABUSE OR SUSPECTED ABUSE

1. Staff (including volunteers and field placement students) who become aware of abuse by witnessing an incident, or hearing about it, or who suspect abuse must report this **immediately**.
2. If the witnessed, suspected, or alleged abuse is a criminal offence, or a possible criminal offence, or if the staff is not sure whether this is a criminal offence **this is to be reported directly to the police immediately by the staff member (including volunteers and field placement students)**.
3. The staff member must then notify both their non-bargaining Supervisor/Manager, and their Director **the fact that they have reported the abuse or suspected abuse to the police**. Details are not to be discussed or disclosed with co-workers or others

If this occurs during other than normal working hours for the non-bargaining Supervisor/Manager or Director, the staff member is to phone and notify the Executive Director or a Director at their home phone number using the Emergency Contact List.

Executive Director's Signature:

The staff who reports the abuse is to complete CTRC's "Form No. 1 - Report of Alleged Client Abuse Incident" and bring this written report to either their non bargaining supervisor or their director **immediately**.

4. The non-bargaining Supervisor/Manager and the Director will report this fact to the Executive Director.
5. CTRC is not to conduct an internal investigation until the police investigation is complete.
6. The reported abuse is to remain confidential. Do not discuss allegations with co-workers and others. The police will take your statement and that of the person who was abused. This protects the staff member making the report as well as the person alleged to have committed the abuse, and ensures the police investigation is not tainted. It is important to not discuss abuse matters with others. Once the police are informed and have completed their investigation CTRC will conduct an internal investigation.
7. If the incident in question is not a criminal matter (the police have not been called) then the staff member is to report this matter immediately to their non bargaining Supervisor/Manager and their Director with a completed "Form No. 1 - Report of Alleged Client's Abuse Incident" submitted to either their non bargaining Supervisor/Manager or their Director.

During other than normal work hours the staff member is to phone the Executive Director or a Director at their home phone number using the emergency contact list to report the abuse or suspected abuse and to advise that Form No. 1 is ready and available for pick-up.

8. The non bargaining Supervisor/Manager and the Director will report this fact to the Executive Director immediately.
9. The Executive Director will call for an investigation.
10. Although the investigation of the abuse or suspected abuse is to be kept as confidential as possible to protect the parties involved, it will be necessary to disclose sufficient information about the complaint so that a proper investigation can be conducted and to ensure that the alleged abuser has a full opportunity to respond to the allegations against him or her.

MANAGEMENT'S RESPONSIBILITIES:

It is the responsibility of each member of the management team to ensure that:

1. Written policies and procedures are prepared that clearly outline acceptable versus

unacceptable behavior intervention strategies (of clients).

CTRC Policy Manual: HUMAN RESOURCES

Policy #: 1

Policy Title: Abuse of Clients. Guidelines for the Investigation of Abuse & Suspected Abuse by Employees, Volunteers and Field Placement Students

Page 4 of 7

Executive Director's Signature:

2. All staff (including volunteers and field placement students) are familiar with these policies and the consequences of failure to adhere to them.
3. Upon hire and once a year thereafter, the employer will review with employees the abuse reporting Policy with staff who will sign off they have reviewed.
4. All staff have a clear understanding of individual programs for clients by:
 - a) conducting regular meetings of appropriate staff of all programs involved with an individual client;
 - b) maintaining standards for behaviour management programs as indicated in the Professional Resource Team policies and other appropriate guidelines.
5. All reported incidents of possible abuse are followed up immediately using the recommended procedures, keeping in mind that for criminal abuse CTRC is not to conduct an internal investigation until the Police investigation is complete.
6. Upon receiving notification or becoming aware of an incident of abuse or alleged incident, the non-bargaining Supervisor/Manager and Director will immediately discuss and implement interim measures to protect the client during the investigation period. These measures could include temporarily re-assigning the accused (i.e. Alleged abuser) to a work location away from the client, increasing the level of supervision of the accused at work, providing additional support to the client to protect the client from any further harm, etc.

The employee may be suspended with pay during the investigation period. The Executive Director will make this decision upon being notified of the charge, and if suspension is warranted, the Human Resources Director or designate will inform the employee.
7. If a volunteer or field placement student is accused of an incident of abuse or suspected abuse, all activities and access to CTRC will be halted pending the outcome of the investigation.
8. The employee is advised of allegations (once the Police investigation has been completed) and ensure that the employee has an opportunity to explain his/her actions. At his or her option the employee may be represented by a Management Representative or a Union Representative.
9. It is the responsibility of the Executive Director to weigh all the findings and evidence resulting from an investigation and meetings (or hearings) to determine whether abuse did, in fact, take place and, if so, the severity of the offence. Depending upon the severity of the offence the following action will be applied: dismissal, suspension without pay, recorded reprimand or verbal warning. **An employee charged with a criminal offence for abuse will be dismissed.**

Executive Director's Signature:

10. Senior Management (Executive Director or Director) will notify the family or clients caregiver or substitute decision maker once consent has been obtained from the individual if they are capable of providing consent and the Police if they have not already been notified. Where the incident involves a child, the provisions of the Child and Family Services Act will apply.

Throughout the investigation the Executive Director will follow the procedure laid out in Policy

EMPLOYEES' RESPONSIBILITIES:

It is the responsibility of the employee to:

1. Promote the philosophy of the Centre with regard to the rights of the client during all aspects of social interaction with the clients.
2. FAMILIARIZE themselves with all policies and procedures regarding abuse that have been adopted by the Centre by:
 - a) reading each thoroughly and reviewing regularly
 - b) attending in service training sessions
 - c) freely querying policies and procedures if necessary.
3. Report any possible incident of abuse immediately, following procedures listed in this policy.
4. To update knowledge of all pertinent programs (ie: behaviour management or training programs) on a frequent basis.
5. To recognize symptoms of stress in their relationships with a client(s) which may precipitate an unfortunate incident.
6. Recognize symptoms of stress in colleagues which may indicate the possibility of an abusive incident, and bring this to their attention.
7. To act confidentially and responsibly when involved in incidents of alleged abuse and not to spread malicious gossip.
8. To make a report to ReportOn at 1-800-575-2222 in the case of the Employer refusing to investigate or act on reports of client abuse.

MANDATORY REPORTING PROCEDURE:

As stated previously, it is MANDATORY for all staff (including volunteers and field placement students) to report any incident or suspected incident of abuse. Management cannot follow up and ensure that clients' rights are maintained without staff input. Therefore, it should be noted that CTRC treats the non-reporting of incidents of alleged abuse in the same manner as they would an actual incident of abuse.

Refer to Human Resources Policy #5C regarding Reporting of Infractions of CTRC Rules

CTRC Policy Manual: HUMAN RESOURCES

Policy Title: Abuse of Clients. Guidelines for the Investigation of Abuse & Suspected Abuse by Employees, Volunteers and Field Placement Students

Policy #: 1

Page 6 of 7

Executive Director's Signature:

SERIOUS OCCURRENCE REPORTING (SOR)

All incidents or alleged incidences of abuse or mistreatment of clients while participating in a CTRC service must be reported to the Board of Governors and to the Ministry of Community and Social Services/Ministry of Children and Youth Services in accordance with "Serious Occurrence Reporting Procedures for Service Providers". See General Operations Policy #18 "Serious Occurrences Reporting of" for the procedure and mandatory timelines to be followed.

INVESTIGATION COMMITTEE

MEMBERSHIP:

The Investigation Committee will consist of 2 (minimum) or 3 (maximum), non-bargaining personnel appointed by the Executive Director or delegate.

RESPONSIBILITIES:

It is the responsibility of the Investigation Committee to:

1. Immediately after being appointed, interview the accused staff member to advise him/her of the allegation and obtain his/her report of the incident; to suspend the individual (with pay) if necessary.
2. Interview all persons who were or may have direct or indirect knowledge of the incident and have them submit a complete written statement regarding the alleged incident.
3. Use of a tape recorder in all interview sessions is permitted to assist in recording the findings of:
 - what happened
 - when it happened
 - who was/were involved (including witnesses to the event)
 - where it happened (and was there anyone in the immediate vicinity who may have some direct or indirect knowledge of the circumstances)
 - why it happened and was there anything that could have been done to prevent it from happening
 - whether the incident constitutes abuse
4. The Investigation Committee will bring forward initial findings verbally to the Executive Director within 2 working days from the complaint being received. A written report will follow and be filed. All written statements and meeting minutes and other evidence collected will be part of the investigation file kept in Human Resources.

Executive Director's Signature:

RESULTS

Upon receipt of the Report of Investigation the Executive Director will review the findings of the Committee and pursue one of the following courses of action:

1. Insufficient grounds to proceed. The Executive Director will advise the chairperson, who will then advise the Committee and the accused employee.
2. Unable to determine if abuse occurred. The Executive Director will direct the Investigation Committee to investigate further. They may seek other expertise, external consultant's etc. to assist in determining if abuse occurred.
3. Sufficient evidence to proceed with disciplinary action. Four options are available:
 - 1) **Dismissal**: The Executive Director will prepare/sign the letter of termination and forward it to the chairperson. The chairperson will advise the committee of the decision and meet immediately with the employee and their Director to present the letter. An employee charged with a criminal offence for abuse will be dismissed.
 - 2) **Suspension Without Pay**: The Executive Director will prepare/sign the letter, levying a suspension from work for up to ten (10) days without pay, and forward it to the chairperson. The chairperson will advise the committee of the decision and meet immediately with the employee and their Director to present the letter.
 - 3) **Recorded Reprimand**: The Executive Director will advise the chairperson of the decision, who will in turn inform the committee. The chairperson shall meet with the Director of the accused to prepare the reprimand and together with the Director, present the reprimand to the employee.
 - 4) **Verbal Warning**: The Executive Director will advise the chairperson of the decision, who will in turn inform the committee. The chairperson will meet with the Director of the accused to prepare the verbal warning and, together with the Director, present it to the employee.
4. The accused employee has the right to grieve, according to the Collective Agreement. This step will be dealt with under Article 8.05 - Arbitration.
5. As soon as possible after advising the accused employee of the Executive Director's decision, the reporter(s) of the incident will be informed of the outcome by their Director.

FORMS TO USE (samples follow):

- Form No. 1: Report of Alleged Client Abuse Incident

COCHRANE TEMISKAMING RESOURCE CENTRE

FORM NO. 1

REPORT OF ALLEGED CLIENT ABUSE INCIDENT

To be completed by the person reporting the incident and brought immediately to either:

- 1) Their Non Bargaining Supervisor/Manager-or
- 2.) Their Director

DATE OF INCIDENT: _____ TIME: _____

HAVE THE POLICE BEEN NOTIFIED? _____

PERSONS INVOLVED: STAFF: _____

CLIENTS: _____

OTHER POSSIBLE WITNESSES: _____

NAMES OF ANYONE ELSE WHO WAS IN VICINITY OR ANYONE WHO MAY HAVE SOME DIRECT OR
INDIRECT KNOWLEDGE OF INCIDENT: _____

DESCRIPTION OF INCIDENT (PLEASE GIVE AS MUCH DETAIL AS POSSIBLE)

WHAT HAPPENED? _____

WHERE DID IT OCCUR? _____

WHY DID IT HAPPEN? WHAT COULD HAVE BEEN DONE TO PREVENT IT? _____

OTHER PERTINENT INFORMATION HAVING A BEARING ON THE INCIDENT. _____

REFERRED TO HEALTH SERVICES? YES NO

PICTURES TAKEN? YES NO

HEALTH SERVICE NURSE SECTION AS APPROPRIATE:

TO COMMENT ON INJURIES, ETC.: _____

DATE: _____ SIGNATURE OF REPORTED OR INTERVIEWED PERSON _____