



CLGS – Policy re Abuse Prevention and Reporting

[Policy Manual Chapter: ; Policy Number ■; Ver. 2.2 Revised – 2018-08-17]

1. Introduction:

- a. Under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008, the Ministry of Community and Social Services requires that all service agencies have policies and procedures regarding:
 - i. the documentation and reporting of any alleged, suspected, or witnessed incidents of abuse of persons with developmental disabilities. (O. Reg. 299/10, 8 (1)(1)).
 - ii. the manner of supporting a person with a disability, where abuse of that person has been alleged, suspected or witnessed; as well as the manner of dealing with service agency staff members or volunteers who have abused or are alleged to have abused persons with developmental disabilities (O. Reg. 299/10, s. 8 (1)(2-3).
 - iii. the notification of persons acting on behalf of the person with a developmental disability of an alleged, suspected or witnessed incident of abuse (O. Reg. 299/10, s. 9 (1)
- b. The Ministry further requires that there be a complete review of the required policies and procedures at least once a year and that they be updated and then implemented promptly.
- c. See generally **Appendix A** for an extract of the QAM Regulations governing these requirements.

2. Purpose: This policy is intended to comply with Ministry requirements and to promote zero tolerance of abuse of persons with developmental disabilities.

3. Policy Statements: It is the policy of CLGS that:

- a. CLGS is committed to providing a safe, nurturing, respectful, abuse free, environment for people it supports, and therefore, abuse will not be tolerated under any circumstance.
- b. Abuse occurs when a person or group of people use power (authority, control or influence) to cause or create a significant likelihood of harm to a person receiving service or support.
- c. CLGS strives to ensure the safety and rights of the people it supports.
- d. Incidents of suspected abuse must be reported immediately, and then investigated and corrective action taken promptly after such report.
- e. CLGS is committed to the following operating principles and will create further policies and procedures as may be required to further such aims within the limitations of the resources available to it:

- i. Eliminating all conditions within the organization that foster abuse;
 - ii. Educating individuals, families, staff and the community about abuse issues;
 - iii. Establishing an expectation that all staff, including new hires, have a positive and valuing attitude towards persons with disabilities;
 - iv. Screening staff, students, and direct service volunteers through reference and criminal record checks;
 - v. Orienting and training all staff to CLGS abuse policy and procedures;
 - vi. Obligating all staff, students and direct service volunteers to report suspected or observed abuse;
 - vii. Taking any allegations of abuse seriously;
 - viii. Providing support to families, peers and staff who report or are affected by abuse/alleged abuse;
 - ix. Providing support to and protection for victims of abuse;
 - x. Safeguarding the rights and dignity of all parties, including the alleged abuser, during the investigative process;
 - xi. Investigating any case where abuse is suspected, reported or observed;
 - xii. Involving the police when a criminal offense is suspected or has occurred;
 - xiii. Keeping all affected parties informed of the results of an investigation;
- f. Any staff found to have abused a person receiving support or who has failed to report abuse shall be subject to discipline, up to and including termination.

4. Scope:

- a. This policy applies to:
 - i. All CLGS supported persons;
 - ii. All CLGS staff, volunteers, visitors and generally anyone have access to any CLGS supported person.
- b. This policy does **NOT** apply to:
 - i. Allegations of abuse of staff by other staff as such incidents are governed by the CLGS Respectful Workplace Policy and/or the Collective Agreement with union member staff;
 - ii. Allegations of abuse of staff by persons other than staff or supported persons;
 - iii. Allegation of abuse of visitors or volunteers as such incidents are governed by the CLGS Complaints and Feedback Policy;

5. Commentary:

- a. CLGS is committed to amendment of its policies, procedures and processes to address ambiguities and inconsistencies. Accordingly, where the statements contained in this document are considered to be ambiguous or inconsistent with other CLGS Policy Statements, staff are expected and required to bring such issues to the attention of management in writing at the earliest opportunity.
- b. In determining whether abuse has occurred the following may be considered:
 - i. Abuse may take many forms, examples of which may include one or more of the following aspects [Note that these examples are not intended to be exhaustive of the possibilities]:
 - (1) **Physical Abuse:**
 - (a) Hitting
 - (b) Pushing
 - (c) Kicking
 - (d) Rough handling

- (e) Use of an object or weapon to hurt someone
- (f) Use of force in the administration of a program
- (g) Any form of sexual exploitation
- (h) Use of physical force or restraint without approval or an appropriate reason
- (i) Use of medication without consultation with medical staff or in contravention of CLGS's guidelines re: medication

(2) **Neglect:**

- (a) Not giving proper food, clothing or hygiene
- (b) Not taking care of health and safety needs
- (c) Wrong use of medication

(3) **Sexual Abuse:**

- (a) Touching of someone's sexual body parts or forcing them to do something of a sexual nature they do not want to
- (b) Forcing someone to have sex when they do not want to
- (c) Making someone watch pictures or videos that make them uncomfortable
- (d) Making offensive sexual comments and jokes and saying things that hurt someone or make them uncomfortable
- (e) Using a position of power to make sexual advances (i.e. staff member towards consumer)
- (f) Failure to respect privacy when performing personal care

(4) **Emotional or Psychological Abuse:**

- (a) Bullying
- (b) Creating fear or scaring people
- (c) Keeping someone away from their friends and family
- (d) Not giving people privacy
- (e) Verbal attacks using derogatory tones, sarcasm and/or shouting
- (f) Teasing and/or taunting
- (g) Use of behavior management techniques which are not approved by CLGS or other recognized Ministry standards.
- (h) Deviating from or not complying with a supported person's Treatment Plan or Behaviour Support Plan or other applicable protocols

(5) **Verbal Abuse:**

- (a) Making comments on things like race, gender or disability
- (b) Threatening people
- (c) Using abusive language or swearing

(6) **Financial Abuse:**

- (a) Stealing or taking someone's money by forcing or tricking them
- (b) Using someone's money without asking them
- (c) Forcing someone to sign documents to give their money to someone else
- (d) Making changes to someone's financial documents
- (e) Asking someone to steal or claim money that does not belong to them.

6. Procedures & Other Policies: In order to give effect to this policy, the following Standard Operating Procedures ["SOPs"] and other Policies will be applied:

- a. SOP re Abuse Prevention and Reporting
- b. Policy re Abuse Prevention Training and Review of Policies re: Abuse
- c. SOP re Abuse Prevention Training and Review of Policies re Abuse

- 7. Definitions:** This PS will be governed by the following definitions:
- a. "CLGS/ICGS" means Community Living Greater Sudbury / Intégration Communautaire Grand Sudbury and is synonymous with CLGS;
 - b. "PS" means: Policy Statement;
 - c. Physical abuse means the use of physical force that may result in bodily injury, physical pain, or impairment.
 - d. Psychological abuse means a form of abuse characterized by a person subjecting or exposing another to behavior that may result in psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.
 - e. Financial, or material abuse means the illegal or unauthorized use of a person's property, money, pension book or other valuables.

8. Revision History:

Revision	Date	Description of Changes	Approved By
1.0	2011	Original	
2.0	2017-10-19	Rewritten to comply with new template and general revision	CLGS Board 2017-10-19
2.1	2018-08-01	Minor amendment to correct presentation errors	Executive Director 2018-08-01
2.2	2018-08-17	Separated out SOPs and Training and Review Policies and SOPs	Executive Director 2018-08-17

Appendix A

Ontario Regulation 299/10 provides in part as follows:

Policies and procedures on abuse prevention and reporting

8. (1) In addressing quality assurance measures respecting abuse prevention and reporting, each service agency shall include the following in its policies and procedures:

1. The documentation and reporting of any alleged, suspected or witnessed incidents of abuse of persons with developmental disabilities.

2. The manner of supporting a person with a developmental disability, where abuse of that person has been alleged, suspected or witnessed.

3. The manner of dealing with service agency staff members and volunteers who have abused or are alleged to have abused persons with developmental disabilities. O. Reg. 299/10, s. 8 (1).

(2) In addressing quality assurance measures respecting abuse prevention and reporting, each service agency shall,

(a) provide,

(i) mandatory training on abuse prevention, identification and reporting to all of its staff members and volunteers who have direct contact with persons with developmental disabilities who are receiving services and supports, and

(ii) a refresher course on the matters referred to in subclause (i) every year thereafter;

(b) provide a mandatory orientation to all new members of the board of directors on the agency's policies and procedures on abuse prevention, identification and reporting and a refresher on the policies and procedures every year thereafter;

(c) provide mandatory education and awareness-building on abuse prevention and reporting to persons with a developmental disability receiving services and supports from the service agency in a language and manner that is appropriate to the capacity of the person with a developmental disability when the person begins to receive services and supports from the service agency and every year thereafter; and

(d) conduct a mandatory review of its policies and procedures on the prevention, identification and reporting of abuse annually and update the policies and procedures as determined by the review. O. Reg. 299/10, s. 8 (2).

(3) A service agency's policies and procedures on abuse shall promote zero tolerance toward all forms of abuse. O. Reg. 299/10, s. 8 (3).

(4) 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,

(a) the service agency shall immediately report to the police the alleged, suspected or witnessed incident of abuse; and

(b) the service agency shall not initiate an internal investigation before the police have completed their investigation. O. Reg. 299/10, s. 8 (4).

(5) A service agency shall,

(a) complete a review of its policies and procedures to promote zero tolerance of abuse of persons with developmental disabilities at least once a year;

(b) assess whether changes to its policies and procedures may be necessary to prevent occurrences of abuse; and

(c) promptly implement the changes that are determined to be necessary as a result of the review. O. Reg. 299/10, s. 8 (5).

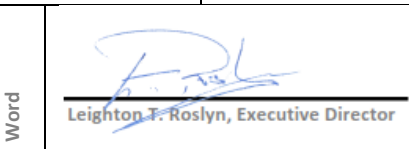
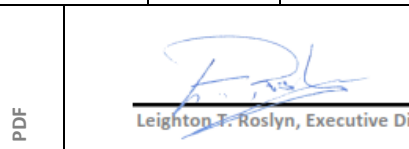
(6) A service agency shall prepare a written record of its review of its policies and procedures to promote zero tolerance of abuse and of any changes to the policies and procedures that are determined to be necessary as a result of the review. O. Reg. 299/10, s. 8 (6).

Notification of incidents of abuse

9. (1) A service agency shall have policies and procedures on the notification of persons acting on behalf of the person with a developmental disability of an alleged, suspected or witnessed incident of abuse. O. Reg. 299/10, s. 9 (1).

(2) The policies and procedures on notification shall require the service agency to obtain the consent of the person with a developmental disability before notifying others, if the person is capable of providing consent. O. Reg. 299/10, s. 9 (2).

CLGS Policies & Standard Operating Procedures Manual Particulars

Review Body:	CLGS Board	Approval Date:	2017-10-19	Approval Body:	Board of Directors Resolution 2017-10-19-4
Review Required	Annually	Next Review	2018-10		
Forms Attached:		Form #(s):		Form Name(s):	
Signatures:					
Statutory References	Ministry Directives, Ontario Regulation 299/10, s. 8-9				
Distribution	A copy of this Policy Statement will be made available: [amend as appropriate] <ul style="list-style-type: none"> i. on the CLGS websites; ii. on the CLGS ShareVision website; iii. on the Common Share on the CLGS Server [CLGSSBS] iv. in the CLGS Policies and Standard Operating Procedures Manual. 				
Other References					