

CVS POLICY & PROCEDURE MANUAL

Policy Area: **Operational Policies - Service Delivery**

Policy # & Name: **5.7 Abuse and Neglect**

Group: Consumers; All Staff; Volunteers; Contracted Caregivers; Families; Visitors

Purpose:

To ensure the health, safety and well being of consumers supported by CVS.

Policy Statement:

The consumers of CVS programs have a right to live and work in an environment that is safe and free from abuse, neglect, seclusion, humiliation, retaliation or exploitation.

Any form of sexual involvement between those in a position of trust and/or authority and individuals attending the programs is exploitive and therefore abusive and prohibited.

Abuse is defined as an action or behaviour by a staff member or volunteer which may result in physical, emotional or mental harm to a participant.

Practice Standards:

All staff and volunteers must recognize the limitations on physical interactions inherent in the staff/client relationship. Professional integrity dictates that touching is allowed only when done for the person's benefit, for the purposes of personal care, or in the demonstration of friendliness and encouragement.

This policy does not negate a staff member's right to move away from a participant who is acting in a way which might harm the staff member provided that the participant is left in a safe situation. The expectation in those instances is that the staff member will immediately report incidents to the supervisor. The responsible supervisor will commence an investigation immediately.

If a situation arises which a staff member feels incapable of handling, or if a staff member is abused by a participant, the staff member must withdraw from the situation as soon as practical and seek assistance. On no occasion is it appropriate for a staff member to "punish" or take retaliatory measures against a participant.

Employees, volunteers, participants, families or other persons must report any incident of suspected or actual abuse immediately to a Program Manager, the Executive Director or his/her designate. Failure to report a witnessed or suspected incident of abuse may result in disciplinary action. Employees and volunteers must maintain confidentiality and divulge information pertaining to any incidents or allegations of a sexual nature only to sources required by procedure to know such information.

Every possible effort is made to ensure that all reported incidents are thoroughly investigated and dealt with expeditiously.

All employees and volunteers are required to follow the procedures for reporting abuse or neglect based on the following definitions:

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- ? **Physical Abuse** – any excessive or inappropriate physical force directed at an individual by a person in a position of trust or authority. Including: Assault (e.g. slapping, hitting, kicking, punching or stuffing a cloth into a participant’s mouth). Rough handling without regard for the participants comfort, (e.g. unnecessary force applied during lifts, transfers and activities of daily living). Gross physical neglect: (e.g. withholding food or personal or medical care).

 - ? **Sexual Abuse** – any sexual behavior directed at an individual by a staff member, volunteer or any other person in a position of trust or authority. Sexual abuse refers to any sexual conduct, consensual or not, committed to an individual, including sexual touching, sexual intercourse and sexual exploitation.

 - ? **Emotional Abuse** – any act, or lack of action, that diminishes an individual’s sense of well being, perpetrated by another person in a position of trust or authority. Emotional abuse may include intimidation, excessive and repeated demands, derogatory or demeaning statements that are directed toward an individual and in a way that does not recognize the individual’s presence.

 - ? **Neglect** - any deprivation of an individual’s requirement for food, shelter, medical attention or supervision that endangers the safety of the individual. Active neglect is willful withholding of an individual’s requirement of food, shelter, appropriate clothing, medical attention, education, supervision, or human contact, which endangers the safety of the individual. Passive neglect is withholding basic necessities of care, usually due to a lack of experience or information.

 - ? **Humiliation** - using language or behaviors that belittle the person or deprive the person of their self esteem. Including Verbal or emotional abuse (e.g. yelling, making demeaning or derogatory remarks, teasing, swearing, and/or name-calling).

 - ? **Retaliation** - making the person fearful of another taking revenge or getting even for previous actions.

 - ? **Financial Abuse** - any abuse or issue of an individual’s funds and assets by a person in a position of trust or authority (e.g. obtaining property and funds without the individual’s knowledge and full consent, or in the case of an incompetent person, not in their best interests.) Including theft of money or personal property, fraud defined as deceitful manipulation of finances and solicitation for compensation.

 - ? **Seclusion, Confinement or Isolation** - could be considered forms of emotional abuse or neglect and are strictly prohibited unless other clients, staff or visitors are in extreme danger. Seclusion would involve forced separation from all others and behind a locked door. Individuals may choose separation from the group. Including gross psychosocial neglect (e.g. lack of attention, isolation or confinement).

 - ? **Exploitation** - similar to abuse in that staff misuse their position of power to take advantage of an individual.

 - ? **Medication Abuse** - includes over sedation, deliberate misadministration of
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medication, misuse of medications and prescriptions, non-compliance with medication refills.

? **Violation of Rights** – denial of basic civil or human rights.

Staff, caregivers and volunteers must be familiar with the definitions of abuse and neglect in this policy, and with Resource document 9.9 - Signs and Symptoms of Abuse.

In order to maintain an atmosphere in which participants and staff may live and work without fear of abuse, every possible effort will be made to ensure that all reported incidents are thoroughly investigated and dealt with expeditiously.

Non-reporting of abuse, neglect, exploitation or other events affecting the health and safety of the people we serve may become disciplinary under the Collective Agreement.

Following the completion of the investigation and a thorough review of all the information obtained as well as resolution of any conflicting information where such occurs, a decision will be made regarding the appropriate response.

Any staff member or volunteer who, upon investigation, has inflicted abuse or neglected a participant may be terminated.

Policy Audit: March Annually

Date Issued: March 2004

Date Revised:

Position

Responsible: Executive Director

References:

- ☞ Policy 5.11 - Critical Incident Reporting Requirements
- ☞ Collective Agreement addresses staff issues with regards to these matters.
- ☞ Restraint Policy (Section 5.22)
- ☞ Sexual Abuse Reporting Procedures (attached)
- ☞ 9.9 - Signs and Symptoms of Abuse

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CVS Sexual Abuse Reporting Procedures

How an employee responds to a disclosure of sexual abuse has significant impact on the outcomes of such a disclosure. It is important that the needs of the person involved are addressed and that documented reporting procedures are followed in any of the following circumstances:

- ? An individual receiving CVS services discloses sexual abuse and the alleged perpetrator is **not** an employee or volunteer of CVS i.e. is a peer, a caregiver, family member, or person in the community.
- ? An individual receiving services from CVS discloses sexual abuse and the alleged perpetrator **is** an employee of/or volunteer at CVS.
- ? An individual receiving CVS services discloses past or historical suspected or alleged sexual abuse.
- ? An individual receiving CVS services discloses sexual abuse and the alleged perpetrator is another adult receiving services from CVS.

The employee first ensures the safety of the individual, including getting medical attention and any documentation if necessary. The employee ensures that the individual's legal rights can be exercised and protected.

The employee then immediately informs the Program Manager and/or Executive Director or designated alternate.

The employee fills out a Critical Incident Report. The report is reviewed by the Program Manager and the Executive Director and sent to the Community Care Licensing Officer and/or MCFD within the required 48 hours.

If the allegation involves a staff member or volunteer, the Program Manager and Executive Director consult to determine if the situation warrants suspension of the alleged perpetrator pending further investigation.

The Ministry of Children and Family Development Social Worker or CLBC worker is notified immediately. MCFD and/or Community Care Licensing Officer will coordinate the investigation and involve the appropriate stakeholders. The decision to involve the police rests with the Ministry.

Employees/volunteers cooperate with outside stakeholders, including the police, regarding outcomes.

Responding To A Client Alleging Sexual Abuse Within The Last 72 Hours:

Attend to any injuries and support the person so they begin to feel safe and calm.

Ensure the individual is not in immediate danger. If s/he has regular contact with the alleged offender (e.g. peer, staff, volunteer, caregiver or family member), ensure s/he will not see that person until the appropriate course of action is taken.

Do not disturb the environment where the assault may have occurred by tidying up, cleaning, doing laundry. Discourage the individual from combing their hair, changing clothes, showering etc. in order to protect evidence that may be needed to ensure the individual's rights can be exercised and protected.

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Do not try to find out all the details of the incident. Do not ask leading questions. It is not a staff person's responsibility to investigate assaults. Leave this job to the licensing officer or RCMP.

Do not question the alleged offender or let him/her know that they are suspected of an assault.

Incidents of suspected abuse must be reported to the appropriate authorities by the person suspecting the abuse, as follows:

During regular business hours: Incidents must first be reported by telephone to the Ministry for Children and Family Development and immediately followed up by the submission of a Critical Incident Report to the Ministry. Immediately following the first verbal report to the Ministry, the incident must be reported to the Executive Director or Program Manager and the Social Worker.

After business hours, or on weekends: Incidents of abuse should be reported to the Ministry of Children and Family Development via telephone. Immediately following that report, the incident must be reported to the Executive Director and Program Manager. A Critical Incident Report must then be submitted.

Responding To Situations Where There Is Suspected Abuse Or Signs And Symptoms Of Abuse But No Disclosure:

Discuss the situation with the Program Manager. In the absence of the Program Manager, contact the Executive Director.

Document signs, symptoms, and concerns.

Do not confront the client and try to encourage them to disclose.

Do not confront the alleged or suspected perpetrator.

Contact the Social Worker, Ministry of Children and Family Development to coordinate the investigation and involve the appropriate stakeholders. The decision to involve the police remains with the MCFD.

Incidents of suspected abuse must be reported to the appropriate authorities by the person suspecting the abuse, as follows:

- ? **During regular business hours:** Incidents must first be reported by telephone to the MCFD and immediately followed up by the submission of a Critical Incident Report to the Ministry. Immediately following the first verbal report to the Licensing Officer, the incident must be reported to the Executive Director or Program Manager and the Social Worker.
- ? **After business hours, or on weekends:** Incidents of abuse should be reported to the Ministry of Children and Families via telephone. Immediately following that report, the incident must be reported to the Executive Director and Program Manager. A Critical Incident Report must then be submitted.

IN THE CASE OF SUSPECTED ABUSE OF A CHILD OR MINOR

In the event of suspected abuse, staff must follow the Reporting Abuse Guidelines as established by the Ministry for Children and Family Development.

Please contact your program coordinator and program manager for guidance as you go through the steps listed below.

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Duty to report abuse or suspected abuse

Anyone who has reason to believe that a child has been or is likely to be abused or neglected has a legal duty under the *Child, Family and Community Service Act* to report the matter.

How to report

Report to a child protection social worker in either a Ministry of Children and Family Development office, or a First Nations child welfare agency that provides child protection services.

Monday to Friday, 8:30 a.m. to 4:30 p.m. at **604-485-0600**

Monday to Friday, 4:30 p.m. to 8:30 a.m. and all day Saturday, Sunday and on statutory holidays, call the **Helpline for Children. Dial 310-1234** (no area code needed).

After Hours Line

For emergencies outside office hours (8:30 a.m. - 4:30 p.m., Monday to Friday).

- ? Call toll-free **1-800-663-9122**

If you have a concern relating to a child in your care during regular office hours, please contact the child's social worker or your own support worker.

What to report

You need not have details or proof prior to calling. But you will be asked for as much information about the concern as you can provide. This will include;

- ? Your name and phone number (although you may call anonymously if you prefer)
- ? relationship to child
- ? any immediate concerns about the child's safety;
- ? the location of the child;
- ? the child's age;
- ? information on the situation including all physical and behavioural indicators observed;
- ? information about the family, parents and alleged offenders;
- ? the nature of the child's disabilities, if any;
- ? the name of a key support person;
- ? other child(ren) who may be affected;

- ? information about other persons or agencies closely involved with the child and/or family;
- ? and any other relevant information concerning the child and/or family such as language and culture.

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After you report

Complete a Critical Incident Report Form and forward to the CVS Ridgeway Avenue Office for distribution. This needs to be done immediately.

The child protection social worker will:

- ? determine if the child needs protection;
- ? contact the police if a criminal investigation is required;
- ? coordinate a response with other agencies, if necessary.

If a child is in immediate danger, police should be called to intervene and a child protection social worker should be contacted to determine whether the child is in need of protection.

Remember to consult with your Program Manager to guide you through this process.