

	Section: 17 Quality and Risk Management	Pages:	Procedure Number: 17-4-2
	Subject: Identification and Reporting of Abuse for APSW clients		

PURPOSE OF THE PROCEDURE

Banyan promotes zero tolerance toward all forms of abuse. Any form of abuse will not be tolerated. This policy of zero tolerance applies to all clients (including abuse from client to client), and staff.

This procedure is to provide Banyan APSW employees with additional guidelines on how to identify and report abuse of APSW/AFSW adults in a way that respects the autonomy and self-determination of the adult.

All instances of abuse must be reported as soon as possible by an employee or volunteer once they are aware of the abuse, whether it was directly observed, reported to them or even suspected by them.

The duty to report abuse is legislated and is not subject to the consent, or preferences, of the client.

Adults: Regulation 299/10 under The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act provides for the protection of adults with an intellectual disability. Chapter 8 states that suspected, alleged or witnessed abuse must be reported to the police where this alleged, suspected or witnessed abuse may constitute a criminal offense.

Clients who have experienced any form of abuse will be supported as is appropriate. Support may occur in the form of direct staff support, connections with family and friends, or referral to external support services. Support may be required at the time of the alleged, suspected or witnessed abuse, or it may be required subsequently.

Staff who have abused a client will be disciplined; up to and including termination of employment from Banyan.

Failure to report knowledge of abuse will also result in disciplinary action up to and including dismissal. Reporting of suspected or witnessed abuse will be free from reprisal; any reprisal resulting from the reporting of suspected or witnessed abuse is subject to disciplinary action.

A. DEFINITIONS:

- **Abuse Included:**
 - **Physical abuse:** a client being physically hurt, injured, inappropriately handled or the inappropriate use of restraint.
 - **Threats of Death or Bodily Harm:** actions where a person did knowingly utter or convey a threat to cause death or bodily harm to a client, and did so to intimidate or strike fear into the client. It is not necessary that the person making the threat intend to carry it out or be capable of doing so. The threat need not be made directly to the intended victim. The intended victim need not even be aware of the threat.

- **Sexual abuse:** any unwanted or forced sexual contact or conduct, unwanted or inappropriate touching or unwanted displays of sexual parts, threats or harm or coercion in connection with sexual activity.
- **Verbal abuse:** any communication towards an individual that may be reasonably perceived to be demeaning, seductive, suggestive, exploitive, insulting, derogatory or humiliating including but not limited to: sarcasm, swearing, racial slurs, and teasing.
- **Emotional abuse:** any verbal or non-verbal behaviour which demonstrates disrespect and negatively affects the client's confidence or self-esteem. Such behaviours include but are not limited to: retaliation, intimidation, manipulation, taunting, and insensitivity to the client's culture, race, gender identity, religious practices, economic status and education.
- **Taking advantage of** a person's disability to trick or manipulate for personal benefit. The persuasion to do things that are illegal or not in the client's best interest.
- **Financial abuse/exploitation:** the denial of access to, and control over, the client's own funds and the misuse of their financial resources.
- **Neglect:** acts of omission, including ignoring nutritional, medical or other physical needs, the withholding of the necessities of life, the failure to provide required medical care or appropriate education services; or any failure to provide necessary care, assistance, guidance or attention to an individual that causes, or so reasonably likely to cause the individual within a short period of time serious physical, mental or emotional harm.
- **Corporal Punishment:** striking, shaking, shoving, spanking, or other forms of aggressive physical contact. Also considered as corporal punishment would be the application of noxious and/or painful stimulation.

B. PROCEDURES:

1. Witnessed or Suspected Abuse of an APSW client, the staff will:

- 1.1. First, intervene to ensure health and safety wherever possible; ensuring First-aid and/or medical care is accessed as required.
- 1.2. Remove the client from the situation if required to provide for her/his safety;
- 1.3. In the event there is a reasonable likelihood that continued abuse is imminent, contact the police immediately to ensure the safety and wellbeing of the client and then Supervisor;
- 1.4. In the event there is not an imminent risk of continued abuse, contact his/her supervisor or designate to report the abuse;
- 1.5. Not initiate an internal investigation
- 1.6. Not attempt to solicit additional information, seek clarification or confirm what has been reported.
- 1.7. Will keep any information related to the abuse allegation confidential
- 1.8. Document all the information received in an abuse allegation report as soon as possible, and prior to the end of her/his shift.
- 1.9. Not inform client's family member or another individual of the allegation;

2. Supervisors will:

- 2.1 Make reports to the police within 24 hours of being notified of the instance of alleged suspected or witnessed abuse; and be the point of contact for the police for the investigation if applicable
 - 2.2 Ensure internal reporting requirements are completed, including updating Abuse Allegation document with external reporting information (e.g. Police);
 - 2.3 Inform Director of Community and Professional Practice- of situation of alleged, suspected or witnessed abuse, and keep Director apprised of police investigation status if applicable;
 - 2.4 Obtain consent from the client prior to notifying a family member or other individual acting on their behalf:
 - If the client is capable of providing consent, notification of abuse may not be shared without their consent;
 - If the client is not capable of providing consent, the client’s substitute decision maker will be notified directly by the supervisor.
- Note: Notification to the client’s substitute decision maker will occur following reporting to the police.
- 2.5 Complete Serious Occurrence Report (SOR) following 28-2 Serious Occurrence Reporting and submit to MCCSS as per guidelines

C. REFERENCE SOURCES:

- Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008
- The Criminal Code of Canada RSC 1985
- Human Rights Act RSO 1990
- Serious and Enhanced Serious Occurrence Reporting Guidelines

D. CROSS REFERENCES:

- 17-2 Incident Reporting and Investigation
- 17-4 Zero Tolerance of Abuse
- 28-2 Serious Occurrence

E. REVIEW CYCLE: This procedure is to be reviewed at the same time as Policy 28 -1 Adult Protection Worker.

Approved By:	Director, Community Service and Professional Practice
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