

	<b>Section:</b> 17 Quality and Risk Management	<b>Pages:</b> 4	<b>Policy Number:</b> 17-4
	<b>Subject:</b> Zero Tolerance of Abuse (Clients)		

**POLICY STATEMENT:**

Banyan has zero tolerance of any form of physical, sexual, emotional, financial, verbal or psychological abuse, or any form of neglect or harassment of clients and/ or their families. All employees, volunteers and students have a moral, legal and professional responsibility to ensure that all incidences of abuse and/or suspected abuse are reported immediately. Management will investigate and act upon any complaints and information received dealing with an allegation of abuse of a client in an effective, timely and sensitive manner.

**PURPOSE OF POLICY:**

To provide Banyan with guidelines that will foster an environment that is free of abuse and provides an effective response to actual or suspected incidents of abuse as reported by clients, staff and/or family.

**A. DEFINITIONS:**

- **Physical Abuse** is defined as, but not limited to, the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, shoving, striking, hitting, kicking, prodding, rough handling, unreasonable confinement, unnecessary restraint, elbowing, shouldering, jostling, butting, jolting, pinching, pushing, sexually molesting, misuse of physical intervention, physical coercion and neglect.
- **Sexual Abuse** is defined as, but not limited to, any unwanted touching, fondling, observations for sexual gratification, sexual intercourse without the person's consent, exhibitionism or exploitation including pornography.
- **Emotional Abuse** is defined as, but not limited to, a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, humiliating, intimidating, isolating, hazing, habitual scapegoating, blaming, treating an older adult as a child.
- **Financial Abuse** involves exploitation, fraud, theft or misuse of funds or property. This can be the result of force or misrepresentation.
- **Verbal Abuse** is defined as, but not limited to, humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.
- **Psychological Abuse** is defined as, but not limited to, communication of an abusive nature, sarcasm, exploitive behavior, intimidation, manipulation and insensitivity to race, sexual preference or family dynamics.
- **Neglect** is defined as, but not limited to, any behavior that leads to a failure to provide services, which are necessary, such as withdrawing basic necessities as forms of punishment, failing to access and respond to changes in health status and refusing or withdrawing physical or emotional support.
- **Harassment** is defined as, but not limited to, unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, and display of racism, unnecessary physical contact, suggestive remarks or gestures. Offensive pictures or jokes. Harassment is considered to have taken place if a reasonable person ought to have known the behaviour was unwelcome. An act or behavior toward clients can be considered abusive regardless of whether or not harm was intended.

## B. PROCEDURES:

### 1. Governing Legislation

- 1.1. Banyan managers and employees must refer to its governing legislation and Program specific policies, protocols and procedures when reporting and investigation specific abuse incidents.

### 2. Abuse Reporting

- 2.1. Employees, volunteers and students working with youth and children have a duty under Section 74 and Section 125 of the Child and Family Services Act to report suspected and/ or alleged abuse or neglect of a child/ young person in accordance with the legislation and program procedures and protocols.
- 2.2. Any person who has the reasonable grounds to suspect that a child is, or may be, in need of protection must make the report directly to a Children's Aid Society in accordance with protocol. The person must not rely on anyone else to report on his or her behalf.
- 2.3. Any suspected abuse or neglect of a young person must also be reported to the local police service regardless of the age of the child/ young person.
- 2.4. Employee and students working with individuals with a developmental disability have a duty to report any alleged, suspected or witnesses abuse to the police as noted in Reg. 299/10 Quality Assurance Measures "requirements set out in the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disability Act, 2008 and its regulations.
- 2.5. Any staff, volunteers and students witnessing or suspecting abuse of a client must also report it immediately to a team supervisor or any other manager.
- 2.6. Employees and students working in Grocer Ease are to follow **17-4-1 Identification and Reporting of Elder Abuse.**
- 2.7. Employees and students working in APSW program are to follow **17-4- 2 Identification and Reporting of Abuse of APSW Clients.**
- 2.8. Information regarding suspicions and/or allegations related to a young person must be reported according to **01-8 Serious Occurrence Reporting.**
- 2.9. In all cases of abuse and/or suspected abuse complete a **17-1F Incident Report** in accordance with **17-2 Incident Reporting & Investigation.**

### 3. Investigative Procedures

- 3.1. Employees, volunteers and students working with youth and children will carry out an investigation in accordance with legislation and program specific procedures and protocols.
- 3.2. All young persons or persons with a developmental disability will be afforded protection and safety pending the investigation of such reports.
- 3.3. Employees, volunteers and students working in Grocer Ease are to follow the procedures in Banyan procedure **17-4-1 Identification and Reporting of Elder Abuse.**

### 4. Disciplinary Procedures

- 4.1. All employees that have violated this policy and all related program policies and procedures will be subject to discipline up to and including termination in accordance with **02-31 Progressive Discipline**.
- 4.2. In addition, any professional or official who fails to report a suspicion is liable on conviction to a fine if they obtained the information in the course of their professional or official duties. Reporting is not mandatory in the case of 16 and 17 year-olds and the offence/penalty provisions do not apply. [CYFSA s. 125 (5), (8), (9)].

## **5. Training**

- 5.1. Banyan will provide program specific training on abuse at orientation and through workshops, in-service activities for all employees, volunteers and students.
- 5.2. All employees/volunteers must sign and attest to the reading and understanding of this policy.

## **6. Quality and Risk Management Committee**

- 6.1. All reports of actual or suspected abuse and/ or neglect are to be reviewed quarterly at the Quality and Risk Management Committee.
- 6.2. The Risk database will track all incidents of client abuse and/ or neglect. Trends and rates will be analyzed.
- 6.3. An analysis of all reports of abuse will be forwarded to Senior Management for review.
- 6.4. The Quality and Risk Management Committee will monitor trends and make recommendations for enhancement of the Abuse and Neglect Prevention Program to the CEO.

## **C. REFERENCE SOURCES:**

- s.74 and s.125, Child, Youth and Family Services Act (CYFSA), 2017
- The Criminal Code of Canada RSC 1985
- Human Rights Act RSO 1990
- Elder Abuse Ontario <http://www.elderabuseontario.com>
- Child Protection Protocol- Joint between PYC and Family and Children Services Niagara
- Child Protection Protocol – Joint between Banyan Hamilton’ programs (AYC, GRF, Clinical, SNAP) and Hamilton Children’s Aid Society and Catholic Children’s Aid Society
- Protection Services or 16 and 17 Year- Olds – Information for Youth Brochure
- Protection Services for 16 and 17 Year Olds – Information for Youth Serving Agencies Brochure
- Reporting Child Abuse and Neglect: It’s Your Duty Brochure
- Services and Supports to Promote the Social Inclusion of Persons with Developmental Disability Act, 2008 and
- Reg. 299/10 Quality Assurance Measures

## **D. CROSS REFERENCES:**

- 01-8 Serious Occurrence Reporting
- 01-21-2 Duty to Report
- 04-5 Reporting Abuse
- 04-7 CAS/FACS Protocol
- 01-8 Serious Occurrence Reporting
- 17-4-1 Identification and Reporting of Elder Abuse
- 17-4- 2 Identification and Reporting of Abuse of APSW Clients.

- 17-2 Incident Reporting & Investigation

**E. REVIEW CYCLE:** This policy is to be reviewed every 3 years.

Approved By:	Senior Management Team
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