


## Abuse Prevention and Response

<p><b>SECTION:</b> Services and Supports</p> <p><b>DEPARTMENT:</b> Quality</p>	<p><b>EFFECTIVE DATE:</b> April 2000</p> <p><b>DATE LAST REVISED:</b> October 2020</p>	<p><b>Approved by:</b></p>  <p>Chief Executive Officer</p>
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### POLICY STATEMENT

Kerry's Place Autism Services (Kerry's Place) is committed to providing services and supports that are free from abuse by taking every reasonable precaution to minimize such risk. This commitment includes investigating all allegations of abuse in a fair and timely manner while respecting the privacy of all concerned as much as possible.

### Purpose

This policy provides best practices with regard to reducing the risk of and responding to allegations of abuse and to ensure that the person supported is in a safe and respectful environment where abuse will not be tolerated. Kerry's Place has zero tolerance for all types of abuse which means that violations of the Abuse Policy will result in dismissal for just cause.


### Scope

All authorized Kerry's Place employees, Board members, agency employees, students, volunteers, contractors, and visitors at all locations in the organization are subject this policy.

### Definitions


- **"Abuse"** is the misuse of authority by acting in a way that causes harm or could potentially cause harm to a supported person. This may include physical abuse, sexual abuse, emotional abuse, financial abuse, negligence, exploitation and inappropriate use of restrictive procedures.

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- **Physical Abuse:** Assault or the threat of an assault (e.g., hitting, slapping, or burning) that causes or could cause physical injury or fear of physical injury.
- **Sexual Abuse:** Unwanted touching of a person's sexual body parts. Lack of consent is the defining feature. The power imbalance between a person with a disability and their care provider makes it impossible for consent to be given. Sexual Abuse is also the denial of a person's right to engage in consenting sexual behaviour.
- **Financial Abuse:** The misuse, misappropriation or restriction of an individual's financial assets for personal gain.
- **Emotional or Psychological Abuse:** Emotional or psychological abuse is the attempt to control someone by subjecting them to constant criticism, insults, threats, humiliation or intimidation.
- **Harassment & Sexual Harassment:** Harassment is any comment, conduct, or gesture that is insulting, intimidating, humiliating, malicious, degrading, offensive, or discriminatory directed toward an individual or group of individuals. Sexual harassment is any comment or conduct of a sexual nature with the intent of causing offence or humiliation.
- **Neglect:** Neglect is the failure to provide a person with the support and assistance that is required for their health, safety or well-being. This includes inaction that jeopardizes the health or safety of the person.
- **Exploitation:** Exploitation is any attempt to trick or manipulate a person for personal benefit. This includes persuasion to do things that are illegal or not in the individual's best interest.

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**Please note:** Persons supported who may become aggressive towards other persons supported will not be considered abuse. Should this occurrence take place staff are to complete an incident report and notify the clinical team immediately as the challenging behaviour will be mitigated within the persons supported behaviour support plan (BSP).

### Roles and Responsibilities

#### Employee:

- Actively participate in education and training for abuse prevention.
- Promote self-care by maintaining emotional and psychological well-being. Be aware that stress and frustration can lead to abusive behaviour.
- Promote natural connections in the community for supported persons.
- Assist with educating persons supported and families about abuse.
- Implement the behavioural strategies developed for the persons they support.
- Behave in a professional manner and treat others with respect by refusing to participate in or tolerate inappropriate behaviour.
- Immediately report knowledge of abuse and support and encourage others in the honest reporting of allegations of abuse.
- Accurately communicate and document detailed information related to allegations of abuse.
- Respect the confidential nature of any investigations in which they may become involved.


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### Manager:

- Ensure that the policy and procedures are followed by employees including obtaining appropriate consent prior to notifying others.
- Verify Vulnerable Sector Checks for employees who provide direct support.
- Pay attention to employee needs, workload, crisis situations, and personal issues that can lead to abusive behaviour.
- Educate and guide employees and volunteers about abuse prevention and investigation processes.
- Provide resources and support to supported persons as required.
- Adhere to Kerry's Place Abuse Handbooks for education and investigations.
- Complete Summary of Events.
- Support persons who report or are affected by an abuse allegation.
- Notify appropriate members acting on supported person's behalf.
- Immediately report and document allegations of abuse to Ministry, Police and the organization according to current guidelines.
- Managers will debrief with employees after any allegation of abuse.
- Provide resources and supports to supported persons as required.
- Discipline employees in cases where reprisal occurs against employees who report abuse.
- Discipline employees if allegations of abuse are made maliciously.
- Take appropriate actions to prevent future occurrences of abuse.

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### Clinical/Human Resources:

- Members of the Clinical and Human Resources team will provide service navigation for all allegations of abuse.
- Track all documentation related to allegations of abuse.
- Provide quarterly reports to the Executive team and the Board.


### Kerry's Place:

- Promote a collaborative multi-disciplinary approach to addressing all aspects of abuse.
- Take every precaution reasonable for the protection of supported persons.
- Investigate and respond to allegations of abuse in a fair and timely manner and respecting the privacy of all concerned as much as possible.
- Ensure clear accountability measures are in place.

### Communication

This policy will be communicated in letters of employment/volunteer agreements, during orientation and at team meetings as required. Board members must also receive orientation on Kerry's Place abuse policies and procedures when they initially become involved with Kerry's Place and on an annual basis thereafter. People supported by Kerry's Place and their families must receive education and awareness on abuse prevention and reporting at least annually. Information will be provided using accessible language and presented in a manner that takes into consideration their communication and comprehension needs. Educational tools are available at Regional offices and on the Kerry's Place intranet. A record of the format of this education and information will be maintained in the person's file.

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### Standard/Procedure

- a) This policy is to be used in conjunction with the Abuse Awareness, Education and Response Guide and the Kerry Place Abuse Investigation Guide (aka KPART Handbook).


**Press Ctrl+Click to follow link and quickly find the procedure you are looking for:**

<a href="#">Reporting an Allegation of Abuse (over age 18)</a> .....	6
<a href="#">Reporting an Allegation of Abuse (child under age 18)</a> .....	7
<a href="#">Investigation Allegations of Abuse</a> .....	8
<a href="#">Concluding an Abuse Investigation</a> .....	9

### Reporting an Allegation of Abuse (over age 18)

- Remain calm and take immediate action.
- Ensure safety of supported person and develop a safety plan.
- If required, call for medical assistance.
- It is mandatory to report any incident of suspected abuse immediately to the Manager.
- Complete a detailed Incident Report and immediately send to the Manager.
- The Manager will submit the Serious Occurrence Report to the Ministry in accordance with current guidelines.
- The Manager will call the Police; the police will determine if the allegation is criminal and will communicate if they will be investigating.
- The Manager will email the RED and the VP of Human Resources after contacting the police.

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- Before notifying the family or substitute decision maker of the allegation, consent from the supported person should be obtained if the person is capable of providing consent.
- Manager to report allegation of abuse to SDM.
- The Manager will ensure no further contact between the person accused of the abuse and the supported person. This may require the Manager to place the employee on paid leave. The employee should be notified by phone and follow up with a written letter.

### Reporting an Allegation of Abuse (child under age 18)

- Remain calm and take immediate action.
- Ensure safety of supported person and develop a safety plan.
- If required, call for medical assistance.
- Immediately call and report the suspicion or allegation to the local Children's Aid Society (CAS) or police if directed.
- There is an ongoing duty to report meaning that even after the initial report is made or if you know that another person has made a report, if the child is in need of protection, subsequent reporting is required.
- It is mandatory to also report any incident of suspected abuse immediately to the Manager.
- Complete a detailed paper copy of the Incident Report and immediately send to the Manager.
- The Manager will submit the Serious Occurrence Report to the Ministry as per guidelines.

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- In coordination with the CAS, the Manager will ensure all necessary actions have been taken by the employee.
- The Manager will email the RED and the VP of Human Resources after CAS has been contacted.
- The Manager will ensure no further contact between the person accused of the abuse and the supported person. This may require the Manager to place the employee on paid leave. The employee should be notified by phone and follow up with a written letter.

### Investigating Allegations of Abuse

- An internal Kerry's Place investigation will not begin until the police and/or CAS have confirmed they will not be investigating the matter.
- The RED, in collaboration with the VP of Clinical and VP of Human Resources, will initiate the investigation by contacting a third-party investigator and setting up a team to ensure the process is timely, unbiased and all parties are fairly represented.
- The RED will ensure the KPART tracker is completed.
- If the allegation is proved to be not probable, then the Manager will
  - Debrief with:
    - Supported person if required
    - Family or substitute decision maker
    - The employee accused
    - The employee who reported the allegation
    - Other parties as determined by management



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- Immediately return the employee to work if on paid leave. The employee should be notified by phone and follow up with a written letter.
- Take any actions to educate on abuse prevention


### Concluding an Abuse Investigation

- Upon conclusion of the investigation, the RED, VP of Clinical and VP of Human Resources in collaboration with the CEO will create and agree to an action plan.
- All parties will be debriefed with:
  - The Manager and Human Resources Representative
  - Supported person if required
  - Family or substitute decision maker
  - The employee accused
  - The employee who reported the allegation
  - Other parties as determined by management
- Manager will submit a final Serious Occurrence Report based on the requirements of the guidelines.
- All items in an action plan must be documented once completed.
- Final investigation reports will be submitted to the Clinical department for retention.

### Training

All employees/volunteers/students must be provided with training on abuse as part of their orientation training. Additionally, training will be conducted when there are significant changes program and when circumstances indicate additional training is needed, such as when procedures are documented as not being followed.

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### Evaluation

This policy will be reviewed annually by the Executive team.

### Related Documents, Forms and Tools:

- Abuse Awareness, Education and Response Guide
- Kerry's Place Abuse Investigation Guide (aka KPART Handbook)
- Child, Youth and Family Services Act Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, Ontario Regulation 299/10
- Criminal Code of Canada