

## COMMUNITY LIVING DURHAM NORTH

### PREVENTION OF ASSAULT AND ABUSE

Policy No: B-19 (Service Delivery)

Effective Date: May 1, 2009

Last Revision/Review: June 24, 2019

#### Rationale:

To ensure the safety and well-being of the people who receive support.

#### Policy Statement:

Community Living Durham North does not tolerate any kind of assault or abuse and is especially vigilant in preventing the assault or abuse of the vulnerable people that it supports.

Clear protocols will be in place to ensure that employees are educated about the detection and reporting of assault and abuse. Staff will also be aware of their special legal obligations where children are concerned.

Witnessed incidents, allegations, disclosures and suspicions will be immediately referred to the Program Manager or to any member of the managerial team. If management suspects that the incident might constitute a criminal offence it will report immediately to the police and will not initiate an internal investigation until the police have completed their own investigation.

Management will conduct internal investigations if (a) it is clear to management that the incident was not criminal in nature (b) the police decline to investigate because in their view the incident was not criminal in nature, or (c) the police investigation is complete but inconclusive in some important respect.

All communication with supported people who are victims of or parties to the alleged abuse will be in a suitable plain language format and, without impinging inappropriately on any police investigation, staff will explain to supported people what to expect during a police inquiry or a legal proceeding.

Where it is proven that an employee has committed assault or abuse, or where such is borne out by preponderance of evidence, disciplinary action will be taken up to and including dismissal.

New board members will receive a mandatory orientation to this policy and its attached procedures bearing on abuse prevention, identification and reporting. Further, all board members will receive an annual refresher. Employees, volunteers (other than board members) and supported persons will receive more in depth training as part of their initial orientation, and annually thereafter.

Senior staff will conduct a mandatory annual review of this policy and of related policies, and will update them as necessary, to ensure that they continue to effectively promote zero tolerance toward all forms of abuse. A written record of this review shall be prepared and kept on file.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
for the Board of Directors

COMMUNITY LIVING DURHAM NORTH  
PREVENTION OF ASSAULT AND ABUSE

Procedure No: B-19-1  
Definitions and Guidelines

Effective Date: May 1, 2009  
**Last Revision/Review:** July 18/18

- Ultimately, assault and abuse are defined by the Canadian Criminal Code. More operationally, the assault or abuse of people served by the Association includes the intentional or neglectful infliction of injury, whether physical, psychological or emotional; any form of sexual molestation or exploitation; and any act or omission which demeans the person or infringes upon his personal rights or dignity. The definition includes, but is not limited to:
  - any actual or threatened physical harm (which, in turn, may include, without being limited to, spanking, slapping, hitting, biting, scratching, pinching, shaking);
  - the neglect or failure to provide a supported person with required medical treatment or with supports necessary to his/her health, safety or emotional well being;
  - extortion and all forms of financial exploitation;
  - the use of any physical restraint that is not permitted under *Reg. 299/10 (Quality Assurance Measures)* and the unreported use of any physical restraint.
  
- The agency provides a respite service to children and their families, and staff must be very clear about its expectations where children are concerned. Within memory, it was considered acceptable practice for loving parents and other care-givers to spank children. This practice is not condoned by CLDN. The infliction of any kind of punishment on a child or adult will result in disciplinary action up to and including dismissal. The infliction of physical punishment, on a child or adult, will be immediately reported to police and will result in dismissal.
  
- The following are among the possible indicators of abuse:
  - The person has a history of repetitive injuries;
  - The person has an injury which cannot be explained, or has what seems to be a rehearsed explanation for the injury;
  - The person has injuries which appear to go untreated;
  - The person suffers from malnutrition or has health or hygiene needs which seem to be ignored.

Procedure No: B-19-2

Effective Date: May 1, 2009

**Reported or Suspected Abuse of Children (Under 18)**

Last Revision/Review: June 24/19

- All of us have a legal obligation, detailed in the *Ontario Child and Family Services Act*, to make a report to the Children's Aid Society (CAS) if we have reasonable grounds to believe that a child (a person under 18) is, or may be, in need of protection.
- This *Duty to Report* is detailed in section 72 of the Act which can be accessed at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). All staff who work from time to time with children must be aware of this Duty to Report, and of how to access it.
- Any employee to whom a child (under the age of 18 years) discloses abuse, and any employee who comes to suspect that the child may be suffering abuse, must follow these steps:
  - Intervene to ensure the child's health, safety and well being.
  - If necessary, provide immediate first aid and/or access emergency medical services.
  - Notify the CAS and/or Police, immediately, either directly or with the assistance of managerial personnel.
  - Depending on circumstances, complete an AIMS Incident Report and/or an AIMS Complaint. This should be done as quickly as possible, and doing it must not take precedence over actually contacting the CAS, or police.
  - Contact any manager or director, using our Emergency Response Procedures, and advise him or her. If the alleged abuser or assailant is a manager/director, he or she would obviously be bypassed during the notification process. Reporting must be immediate in order to ensure the victim's safety and in order to deal with the matter effectively.
  - Any statement made by a child to an employee of CLDN should be recorded in the child's own words, but preferably such recording would not occur in the child's presence.
  - Following the disclosure, staff must be supportive and attentive to the child's needs. The child should be reassured that he has done the right thing in telling the truth.
  - Following the initial disclosure, staff must not initiate further discussion in an effort to "investigate."
- Management will ensure that the CEO and Board Chair are promptly notified, as well as MCSS, via that Ministry's Serious Occurrence protocol.

- Where appropriate, and in consultation with the CAS, the parent or guardian will be notified.
- Information concerning a suspected case of child assault/abuse is confidential and is to be restricted to the staff member initiating the report, to management personnel who need to know, and to third parties, like the CAS and Ministry, who must be informed. Otherwise, the information is confidential and its release subject to the written consent of the parent or guardian.
- Note, however, that the Children’s Aid Society or police may want to interview other employees who they think might have relevant information.
- Interviewing, as part of the investigative process, is the responsibility of the CAS and the police. Under no circumstances are employees of CLDN to interview the child following the initial disclosure. An employee may be requested to assist the child to express himself, or to simply help the child feel comfortable while expressing himself, but she should not unnecessarily “process” (or contaminate) what the child has to say.

Procedure No: B-19-3

Effective Date: May 1, 2009

**Reported or Suspected Abuse of Adults (18 +)**

Last Revision/Review: June 24/19

- CLDN has a zero tolerance policy toward abuse and employees must promptly report the abuse or suspected abuse of any supported person. Failure to do so will result in disciplinary action up to and including termination.
- CLDN is committed to hiring people who value differences and who have positive attitudes towards the people we support.
- Training in abuse prevention, identification and reporting is a formal element of every new employee’s orientation. Part of this is a training package on abuse awareness that is delivered by our self advocate group during the three day staff orientation.
- Staff, volunteers and board members must undertake a formal review of this policy, and of abuse prevention within the agency, on an annual basis.
- Any employee to whom a person discloses abuse, who observes abuse, or comes to suspect abuse, must follow these steps:
  - Intervene to ensure the person’s health, safety and well being.
  - If necessary, provide immediate first aid and/or access emergency medical services.
  - If a supported person discloses abuse, the employee must take the disclosure seriously and (a) take careful notes, recording direct quotes, etc. (b) provide a

supportive and non-threatening atmosphere and (c) reassure the person that telling the truth is the right thing to do (d) where possible, and with the person's consent, tape record the disclosure. Then (e), when the disclosure is complete and the interview is over, document the disclosure on an AIMS Complaint using the original notes and/or recording.

- During the initial disclosure, refrain from asking questions beyond those that are necessary in order to grasp what the person is trying to communicate. Do not ask leading questions; do not try to "investigate."
  - Contact any manager or director, using our Emergency Response Procedures, and advise him or her. If the alleged abuser or assailant is a manager/director, he or she would obviously be bypassed during the notification process. Reporting must be immediate in order to ensure the victim's safety and in order to deal with the matter effectively.
  - Employees cannot receive allegations of abuse, or make reports of abuse or suspected abuse, "off the record," or unofficially.
- The CEO and/or designate reviews all reported incidents of assault/abuse and police are immediately contacted if it is deemed that there may have been a violation of the Criminal Code.
  - If the police agree that the assault or abuse might be criminal in nature and undertake to investigate, the agency will not initiate its own investigation.
  - Internal investigations will only occur if (a) it is clear to management that the incident was not criminal in nature (b) the police decline to investigate because in their view the incident was not criminal in nature, or (c) the police investigation is complete but inconclusive in some important respect.
  - Whether they become the subject of an internal or external investigation, all reports of abuse that are found, in the preliminary stage, to have any substance or merit, will be reported to the Board Chair and to MCSS in accordance with that Ministry's *Serious Occurrence* protocol.
  - Internal investigations may include interviews with the alleged assailant/abuser, other staff in the program site, the person abused, his/her family, and any other person who may provide pertinent information. Such investigations will be conducted in as confidential a manner as possible. The information gained will be documented but held in strict confidence.
  - Adult victims of assault/abuse have the right to have support, counseling, advocacy, etc., from specialized services. Staff must advise people of the availability of these supports and make referrals as requested.

- Adult victims also have the right to be made aware of the options available to them, and to direct as far as possible the actions that will be taken on their behalf.
- The victim must be consulted and must consent (if capable of informed consent) before the agency notifies his parents (or guardians/advocates) of the assault/abuse. The consent will be obtained in writing and kept in the person's primary file, and its presence there documented in the AIMS database. Note, however, that consent is not required in order for the abuse to be reported – to management, or to the police. Abuse must always be reported.
- If the alleged assailant/abuser is another person served, CLDN will ensure that:
  - both the alleged victim and the alleged perpetrator are kept separate from each other (as far as possible);
  - each person has the appropriate support, supervision and access to other professional resources (e.g. legal, medical, psychiatric, alternative service providers, etc.).
- Similar principles apply if the alleged abuser is an employee. Therefore, during any investigation, internal or external, while guilt remains unproven, he or she will be suspended with pay. During this kind of suspension, the employee is prohibited from contacting people supported, or employed, by CLDN and he/she will not have access to any of its premises. (Although there are no labour law issues to consider if the alleged abuser is a volunteer, he or she would also have to be prohibited, during an investigation, from contacting people supported, or employed, by CLDN and he/she would be denied access to any of its premises).
- Where the assault (or abuse/neglect) is proven, or borne out by a preponderance of evidence, disciplinary action will be taken immediately. The most typical corrective measure will be dismissal, and dismissal will always be the outcome of a proven criminal case.
- Failure to report knowledge of an assault, or a case of abuse, will also result in disciplinary action up to and including dismissal.
- If it is determined that an employee has purposefully made a false allegation with regard to assault/abuse, disciplinary action up to including dismissal is administered.
- CLDN recognizes that in rare cases a supported person will present with a well documented history of making frequent and false allegations against other supported persons and/or agency staff. In this difficult situation, the agency must protect the person from the possibility of actual abuse, and also those around him who are clearly at risk.

To do this, the manager and the support team will develop a protocol that will become part of the individual's Personal Support Plan. The protocol will speak to the documented

history in question, and it will ensure that future allegations are taken seriously but also subjected to certain tests that would not be part of the normal investigative process.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
CEO