

## **Mistreatment and Abuse Prevention and Response**

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**Purpose** *To ensure ASC has clearly defined guidelines to prevent, recognize, respond report and follow up to, actions that may constitute mistreatment and abuse. To ensure compliance to Persons with Developmental Disabilities (PDD) Abuse Prevention and Response Protocol, Protection For Persons In Care Act (PPC), Accommodation Standards, Child Youth Family Enhancement Act, and other applicable Acts.*

**Policy Statement** *Mistreatment and abuse is any situation where a person acts in a way that causes harm or potentially causes harm to a client.*

*ASC is responsible to provide training and ensure ongoing reasonable safeguards are in place to protect clients from mistreatment and abuse.*

*All employees, volunteers, clients and guardians, will be trained and continually educated to:*

- *preventing mistreatment and abuse*
- *recognizing actions, situations, and attitudes that may constitute mistreatment and abuse*
- *responding to actions that may constitute mistreatment and abuse*
- *reporting and follow up of mistreatment and abuse allegations*

*For adults receiving public funded supports, ASC is responsible to adhere to all sections of the Protection For Persons In Care Act. The authority of the Protection For Persons In Care Act applies to the following alleged situations of mistreatment and abuse:*

- *staff to client*
- *client to client*
- *guardian or family to client*
- *public to client*
- *family managed contractors to client*

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*For adults receiving PDD funded supports, ASC is also responsible to adhere to the PDD Abuse Prevention and Response Protocol. The authority of the Abuse Prevention and Response Protocol applies to the following alleged situations of mistreatment or abuse:*

- *staff to client*
- *contractor or agent to client*

*For children and families receiving services ASC is responsible to adhere to the Child, Youth and Family Enhancement Act (CYFEA). The authority of the CYFEA applies to all children in Alberta regardless of receipt of services or who the alleged abuser may be.*

*ASC prohibits any form of retaliation, including but not limited to: harassment, intimidation, adverse employment actions or any other form of retribution. ASC will use its best efforts to protect employees or others who, in good faith, report and/or participate in reviews/investigations related to allegations of mistreatment or abuse. Any employee that engages in any act that is deemed to be retaliatory in nature will be subject to discipline, up to and including termination.*

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## Mistreatment and Abuse Prevention and Response

### Prevention

ASC believes that providing information and opportunities for learning and the promotion of community inclusion and natural supports will assist in preventing mistreatment and abuse.

### Training

#### Clients/Guardians

Upon commencement, Clients/Guardians will receive training to the Mistreatment and Abuse Prevention and Response Policy and Procedure and initial the Service Orientation Checklist.

Clients/Guardians receiving Adult Services will receive a copy of:

- The plain language handout “What You Need to Know About Abuse - Adults”, and
- Information regarding Protection for Persons in Care Act (PPCA)

Clients/Guardians receiving Children’s Services will receive a copy of:

- The plain language handout “What You Need to Know About Abuse - Children’s”

Annually, thereafter Guardians will receive a copy of, or summary of, the ASC Mistreatment and Abuse Prevention and Response Policy and Procedure and/or information regarding the PPCA; as applicable to the services being accessed.

#### Employees/Volunteers

Upon commencement all ASC employees and volunteers will read the Mistreatment and Abuse Prevention and Response Policy and Procedure and initial their Employee Commencement Checklist upon completion.

Employees and volunteers will be trained to the Mistreatment and Abuse Prevention and Response Policy and Procedure by the Area Coordinator/Designate prior to assuming employment responsibilities.

Employees and volunteers working in disability services will:

- Be trained to the ASC Mistreatment and Abuse Prevention and Response Protocol prior to the end of their probationary period
- Refresh the ASC Abuse Prevention and Response Protocol Training annually, or sooner if there is a concern regarding the employee appropriately following the ASC Mistreatment and Abuse Prevention and Response Policy and Procedure

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**Types of Mistreatment and Abuse**

Emotional – Acts or omissions that cause, or are likely to cause conduct, cognitive, affective or other mental disorders; emotional stress; or mental suffering. For example, rejecting, ignoring, criticizing, insulting, threatening, harassing, degrading, humiliating, intimidating, or terrorizing a client.

Possible indicators:

- Sudden onset of speech disorders
- Anxiety, anger and behavioural changes
- Constant apologies
- Nightmares or sleep disturbances

Exploitation – Taking advantage of a client’s vulnerabilities including but not limited to: money, possessions, persuasion to do things that are illegal, or not in the client’s best interest.

Possible examples:

- Using someone’s Treaty Card to access benefits
- Borrowing money or possessions
- Convincing someone to give away possessions
- Convincing someone to do something they do not want to do

Negligence – Failure to provide or make available necessities such as food, clothing, shelter, hygiene, medical care, protection from hazardous environments, and support or supervision appropriate to the client’s age, development or situation.

Possible indicators:

- Health concerns that are ignored or go untreated
- Loss of weight without a medical reason
- Always tired or falling asleep
- Frequent falls, injuries and recurring minor accidents

Inappropriate Use of Restrictive Interventions – Failure to implement an approved Behaviour Support Plan as written; and acts that restricts the rights, freedoms, choices, mobility, or self-determination of a client that are unnecessary, inappropriate, undocumented and/or unauthorized.

Restriction includes:

- Limiting access and or participation in events, relationships, religious, spiritual or cultural activities of choice
- Restraining a client’s normal range of movement or behaviour
- Withholding a client’s personal possessions
- Using medications to influence behaviour in the absence of a medical diagnosis (e.g., psychotropic medications)

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- Refusing access to mobility devices (e.g. wheelchair, walker etc.)

**Physical** – Physical acts that include but are not limited to: hitting, punching, kicking, biting, throwing, burning, or violent shaking that causes, or could cause, physical injury.

Possible indicators:

- Unexplained or unusual injuries
- Defensiveness in regards to injuries
- Sudden fear of physical contact
- Sudden inability to sleep at night

**Sexual** – Sexual act - touching a client’s sexual features without consent.

Sexual harassment - any conduct, comment, gesture or contact of a sexual nature likely to cause offence or humiliation and or the misuse of technology such as posting inappropriate pictures of a client on the internet (cyber sexual abuse).

NOTE: It is unethical for a staff member and a client to engage in a sexual relationship.

Possible indicators:

- Pain or injury to genital areas
- Difficult time walking or sitting
- Regression to childlike behaviour
- Sudden sexual acting out

**Failure to Report Mistreatment or Abuse** - Failure to report knowledge or suspicions of any action that might constitute mistreatment or abuse may be considered abuse.

**Responding to Actions or Situations That May Constitute Mistreatment or Abuse**

If you see or hear mistreatment or abuse happening:

- STOP IT IMMEDIATELY!
- Ensure the immediate safety of the client
- YOU have the responsibility and authority to take action including sending the alleged offender home, calling the police, calling a supervisor for assistance, etc.
- Seek medical assistance for the client if required
- Report it to your direct supervisor or the next level of authority (if direct supervisor is not available), as per reporting procedures
- Document the information immediately
- After appropriately reporting, keep the information confidential to the review/investigation

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If a client or anyone else tells you about mistreatment or abuse, or if you suspect it from seeing physical evidence or changes in behaviour, you have the responsibility and authority to:

- Ensure the safety of the client
- Seek medical attention if required
- Assist the client to be as comfortable and private as possible
- Be prepared to listen immediately
- NOT promise to keep the information secret (you are obligated to report)
- NOT try to contact the alleged offender
- NOT express anger toward the alleged offender
- NOT photograph the client
- NOT ask questions. Allow the client to tell you the information within their manner of communication
- Document the information immediately
- Report it to your direct supervisor or the next level of authority (if direct supervisor is not available), as per reporting procedures
- After making the appropriate report, keep the information confidential to the investigation

**Reporting in Adult Services or Children’s Services**

**It is mandatory to report any knowledge or suspicion of mistreatment or abuse!**

**Direct service employees/first person to become aware**

1. Document the information immediately as it is received. This documentation should include all relevant events and circumstances surrounding the situation or suspicion
2. Immediately notify your Supervisor, or the next level of authority
3. This information must be transferred to an Incident Report for Clients
4. In some situations it may be necessary or appropriate for an employee to make a direct report to the applicable reporting lines. If you have made a direct report notify your supervisor or the next level of authority (if the supervisor is implicated or not available) that you have done so
  - Safeguards for Vulnerable Adults Reporting Line 1-888-357-9339
  - Child and Family Services 1-800-387-5437
  - Police

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Note: If you are ever unsure about the degree of risk, contact the Program Director or Executive Director immediately.

3. Complete the necessary documentation. This documentation should include all relevant events and circumstances surrounding the allegation
4. Report directly to the relevant authority reporting lines if all levels of authority are implicated
  - Safeguards for Vulnerable Adults Reporting Line 1-888-357-9339
  - Child and Family Services 1-800-387-5437
  - Police

**Program Director/Executive Director**

1. Ensure all previous steps were taken in Responding to and Reporting Allegations of Mistreatment or Abuse
2. After receiving a report of alleged mistreatment or abuse, the Program Director must report the allegation to the Executive Director (unless implicated)
3. The Program Director/Executive Director, Area Coordinator and the person reporting the allegation may exchange information to ensure the situation has not been misconstrued. For example, a person not directly involved with a client may not be aware of an authorized restrictive procedure
4. The Program Director/Executive Director or appointed designate will contact the Guardian (unless the Guardian is implicated)
5. The Program Director/Executive Director must report directly to the relevant authority reporting lines if reporting had not previously occurred. Note: if the allegation involves an adult in PDD funded services a written Preliminary Report Form must be completed and submitted within one working day of becoming aware of the allegation
  - Safeguards for Vulnerable Adults Reporting Line 1-888-357-9339
  - Child and Family Services 1-800-387-5437
  - Police
6. In circumstances where there is potential impact to the reputation or business of the agency, the Executive Director will report the allegation of mistreatment or abuse to the Board of Directors. In the absence of the Executive Director, the Program Director will report to the Board of Directors
7. If the Executive Director is implicated, the Board of Directors will determine the necessary steps including reporting to the relevant authority if this reporting had not previously occurred

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**Review and Investigation Process**

Note: at any time during a review or investigation processes and/or follow up, legal consultation may occur.

Police Investigations

Investigations of alleged criminal offenses are at the direction of the Police.

Whenever possible, ASC will adhere to policies regarding consent for the release of information; however, legal requirements will supersede ASC policies.

- ASC will follow and cooperate with any external directions, and subsequent investigation processes
- ASC will conduct an internal review as required, in addition to any Police investigation processes

Protection for Persons in Care Investigations

- Follow the direction of the PPC liaison
- ASC will cooperate with and follow any external directions, and subsequent external investigation processes
- ASC will conduct an internal review as required, in addition to any external investigation processes

PDD Abuse Prevention and Response Protocol Review or Investigations

- ASC must complete an internal review as directed by PDD, legal consultation and/or the Police as applicable
- PDD may determine they need to conduct an external review
- ASC will cooperate and follow any external directions, and subsequent external review processes
- ASC must submit the PDD interim report to PDD within 30 days (and every thirty days thereafter until the final report is completed)
- ASC must submit the final report to PDD

Child Youth and Family Enhancement Act

- CYFEA will conduct any reviews as deemed necessary
- ASC will cooperate and follow any external directions and subsequent external review processes

ASC Internal Review

At times ASC may be directed not to complete a full review process and may be limited to identifying risk reduction, future prevention, and providing recommendations.

The internal review process is directed by the Executive Director/Program Director(s) and involves, but is not limited to, the following:

- Planning the review process (independently, with assistance (from PDD ), or by a third party)

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- Gathering the necessary information and documentation related to the allegation
- Completing interviews as required; documenting the information and verifying the documentation with the person(s) interviewed
- Consulting with the review team members to determine if any further information is required
- Compiling the information into a draft report
- Finalizing the draft report and any recommendations/follow up
- Submitting the final report to other external investigators as required

**Review and Investigation Roles**

Executive Director/Program Director is responsible to:

- Determine who is to complete the internal review
- Plan the review process (who may need to be involved, obtain consents as required, determine timelines and what documentation needs to be reviewed, i.e. contact notes, Incident Reports for Clients, doctor reports, etc.)
- Review the gathered information (with the review team) and determine if further information is required
- Finalize the draft report (in consultation with the review team)
- Ensure the interim and final reports are submitted to PDD as required
- Initiate follow up
- Initiate recommendations for corrective actions
- Notify stakeholders of the outcome of the review as required
- Inform the Board of Directors as required

Area Coordinator/Team Manager is responsible to:

- Follow direction of the Executive Director/Program Director/Designate
- Provide documentation as required
- Participate in the review/investigation process and interviews as required
- Monitor the follow up and implementation of recommendations

Direct Service Employees are responsible to:

- Follow direction of the Team Manager, Coordinator, the Program Director or Executive Director as required
- Participate in the review/investigation process and interviews as required
- Provide additional documentation as required

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**Consequences Regarding Allegations of Mistreatment or Abuse**

Employees

- Employees alleged to have committed an act of mistreatment or abuse as defined by these guidelines may be suspended, with or without pay, during the course of the review/investigation(s)
- If the review/investigation determines the act of mistreatment or abuse was unfounded, the employee may resume duties and receive pay for any time suspended without pay
- If the review/investigation determines the act of mistreatment or abuse was founded, it will be handled as per ASC policy and procedures regarding corrective actions, discipline, or termination

Approved Home Providers

- Approved Home Providers alleged to have committed an act of mistreatment or abuse may have the client removed from their home; and if so payment for services will cease
- If the review/investigation determines the act of mistreatment or abuse was unfounded, the contract may continue with mutual approval by the agency, and all relevant stakeholders as applicable
- If the review/investigation determines the act of mistreatment or abuse was founded, the contract may be terminated

Clients

- Clients alleged to have committed an act of mistreatment or abuse to another client, may be temporarily removed or suspended from services, or temporarily separated from the alleged victim during the course of the review/investigation
- If the review/investigation determines the act of mistreatment or abuse was unfounded, the client may resume services with mutual approval by the agency and all involved stakeholders as applicable
- In the event a review/investigation determines the act of mistreatment or abuse was founded, services for the client may be discontinued, or the client may receive alternate services with mutual approval by the agency and Client/Guardian and/or all relevant stakeholders as applicable

Volunteers

- Volunteers alleged to have committed an act of mistreatment or abuse may be suspended from all volunteer involvement during the course of the review/investigation
- If the review/investigation determines the act of mistreatment or abuse was unfounded, the volunteer may resume involvement with mutual approval by the agency and all relevant stakeholders as applicable
- In the event the review/investigation determines the act of mistreatment or abuse was founded, the volunteer may be liable for dismissal

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**Retaliation**

Any person who believes that they have been subjected to any form of retaliation as a result of reporting or participating in a review/investigation of potential allegations of mistreatment or abuse should immediately advise a supervisor or the Program Director/Executive Director.

Supervisors and Managers are to take all appropriate steps to prevent and stop any act of retaliation in their area of responsibility.

Any Supervisor or Manager who becomes aware of any retaliation shall report it to the Program Director/Executive Director as soon as possible.

See Also ASC Workplace Culture Policy and Procedure.

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