

Abuse Prevention & Response Protocol

"Everyone Has a Role"

Implementation Date: January 1, 2004

TABLE OF CONTENTS

Executive Summary

Section A: Context for Addressing Abuse

Background	5
Purpose of the Abuse Prevention and Response Protocol	5
Understanding PDD's Approach	6
Jurisdictional Linkages	7
Responsibilities and Accountability of Key Stakeholders	7
• PDD Program	8
• PDD Community Boards	8
• Service Provider Organizations	9
• Family Managed Supports	9
• Staff who are Hired to Provide Supports	10

Section B: Focus on Prevention

Introduction	11
Understanding Vulnerabilities	11
How to Reduce Vulnerabilities	12
Prevention Expectations of Key Stakeholders	12
• PDD Program and Community Boards	12
• Service Provider Organizations	13
• Family Managed Supports	13
• Staff who are Hired to Provide Supports.	14
Applying the Principles for Determining Individual Support Needs	14
• Principles for Determining Individual Support Needs	15

Section C: Reporting & Response Considerations

Introduction	16
Ethical Responsibility to Take Action	16
Authority to Take Action	17

What PDD Considers to be Abuse	17
• Physical Abuse	18
• Sexual Abuse	18
• Negligence	18
• Emotional Abuse	18
• Exploitation	19
• Inappropriate Use of Restrictive Procedures	19
Addressing Concerns	19
• Obligation to Report Allegations	19
• Where to Report Allegations	20
Stakeholder Requirements for Addressing Allegations	20
• Responsibilities of Staff Hired to Provide Supports	21
• Responsibilities of the Executive Director or Designate	21
• Responsibilities of the Family/Other Who Hires Privately	22
• Responsibilities of the PDD Representative	22
• Confidentiality and Privacy Considerations	23
Reviewing Allegations	23
• Understanding Reviews	24
○ Internal Reviews	24
○ External Reviews	24
• Guidelines for Conducting Reviews	24
• Process Considerations	25
• Identifying Findings and Recommendations	25
Follow-Up	26
• What Happens After the Review?	26
• Addressing Support Needs During and After the Review	26
• Resolution of Concerns	27

Conclusion

Appendix I: Guidelines for Involving the Guardian	29
Appendix II: Allegation Review Process Flow Chart	30
Appendix III: Abuse Prevention and Response Protocol – Preliminary Report	31
Appendix IV: Abuse Prevention and Response Protocol – Interim/Final Report	32
Appendix V: Interview Considerations	33
Appendix VI: PDD Data Tracking Requirements	34
Appendix VII: Employment Standards Fact Sheet: Termination for Just Cause Involving Abuse of Vulnerable Individuals	36
References	37

Executive Summary

Background

In 2001, based on a literature review and stakeholder input, Persons with Developmental Disabilities (PDD) made the decision to focus on abuse prevention, while also strengthening the reporting, investigation and follow up components of its operational policy, the Abuse Reporting and Investigation Protocol. The Protocol was enhanced to provide more clarity relating to scope, authority and processes, which resulted in a broadened approach to addressing this important issue and a new name to reflect the scope. The new Abuse Prevention and Response Protocol was released October 2003, with an implementation date of January 1, 2004. The Protocol document was updated in August of 2006 to reflect changes to the PDD Community Governance Act.

This Protocol was developed in partnership with the Abuse Prevention and Response Committee, which has stakeholder representation from:

- PDD sector-Ministry Program and Community Boards;
- Advocacy and guardian sectors-Alberta Association for Community Living, Alberta Committee of Citizens with Disabilities and the Office of the Public Guardian;
- Service Provider sector-Alberta Council of Disability Services and Catholic Social Services; and
- Other government bodies-Protection for Persons in Care Act.

Purpose and Scope

The purpose of the Abuse Prevention and Response Protocol is to provide a policy framework that identifies processes and accountability measures related to abuse prevention and response. Adherence to the Protocol is mandatory for all parties who are paid to provide PDD funded supports. The expectations and processes to be followed are identified throughout this policy document, with all funded parties falling under one of the broad categories, as defined below:

A) Service provider organizations: this category encompasses community run agencies/proprietors and PDD direct operations that receive funds from PDD to provide support to individuals with developmental disabilities.

B) Family Managed Supports: this category encompasses funding arrangements that are not provided by a service provider organization. These arrangements are developed by families/others who choose to act as employers, hiring staff privately to support specific individuals with whom they have a personal relationship.

Note: expectations and processes associated with this category, also apply to families who provide direct supports through a policy exemption.

Content Overview

Section A: Context for Addressing Abuse

This section identifies that PDD's approach to addressing abuse is based on a strong value base of citizenship and self-determination. Rather than viewing individuals receiving PDD supports from the perspective of "clients requiring care", the perspective is that of citizens who need support to live meaningful lives in their communities. The Abuse Prevention and Response Protocol aligns with the PDD vision of inclusion, by focusing on reducing risks for individuals with developmental disabilities through a citizenship approach.

PDD's authority and responsibility to take action is identified, along with linkages with other jurisdictions, such as the Protection for Persons in Care Act (PPC Act) or the police. When other jurisdictions also have responsibility for responding to allegations of abuse, such as the police, an internal review must still be conducted under the Protocol, while not obstructing or duplicating the role of the formal investigation.

Section B: Focus on Prevention

This section reflects PDD's mandate of supporting inclusion and its belief in the capacity of communities to include adults with developmental disabilities. The inherent vulnerabilities of individuals with developmental disabilities are addressed, along with strategies for reducing risks. This section speaks to the importance of applying PDD's Principles for Determining Individual Support Needs as a way to promote inclusion, which in turn reduces risk factors for abuse. Expectations in the area of prevention are also specified for PDD Boards, service provider organizations, family managed supports and staff hired to provide supports.

Section C: Reporting & Response Considerations

This section speaks to how PDD will respond to concerns that come to its attention. PDD is prepared to take action when it has an ethical responsibility to do so, as well as when it has the authority, related to being the funder. Key considerations addressed in this section include:

A) Ethical Responsibility and Authority

When supporting individuals with developmental disabilities in any capacity, the service provider organization, family/other who hires privately and PDD share the ethical responsibility to take reasonable action to reduce the risk of mistreatment. In addition to there always being an ethical responsibility to take action, with allegations of abuse, PDD has the authority to take action when it relates to situations funded by PDD.

B) Addressing Allegations of Abuse

Broad categories of abuse are identified, along with possible indicators of such abuse. In the area of reporting allegations, the Protocol identifies what needs to be reported, when and to whom. Guidelines for conducting internal reviews are provided for service provider organizations and family managed supports. Criteria are also identified for external reviews, which are conducted by PDD, the police or the PPC Act administration.

In closing abuse is a dark issue that needs to be brought into the light. PDD, in partnership with its stakeholders will continue to strive for ways to address this issue. Everyone has a role and through a focus on education and corrective action, together we can make a difference.

Context for Addressing Abuse

Background

In Alberta, adults with developmental disabilities who receive funding support from Persons with Developmental Disabilities (PDD) Community Boards have had a longstanding protocol in place to address allegations of abuse. This started prior to the establishment of the PDD community governance structure in 1998. The mechanism, the Abuse Reporting and Investigation Protocol was initiated by PDD's predecessor, Services to Persons with Disabilities and approved in the fall of 1995, by the former Ministry of Alberta Family and Social Services. In January 1996, a diverse group of stakeholders from across Alberta undertook the challenge of implementation.

The Abuse Reporting and Investigation Protocol was officially implemented in May 1997. The ongoing work related to the implementation and training of the Protocol was recognized, with the awarding of a Premier's Award of Excellence in 1998. The Protocol was then reviewed and clarified, resulting in a revised Protocol, January 2000.

In 2001, Persons with Developmental Disabilities decided to be more proactive by adopting a focus on abuse prevention, while clarifying and strengthening the response component and accountability. The new document, called the Abuse Prevention and Response Protocol, was implemented on January 1, 2004.

On July 1, 2006, Bill 30 was proclaimed which amended the PDD Community Governance Act. This current document has therefore been modified slightly to reflect the recent changes to the Act. Some terminology has also been updated such as the use of *Family Managed Supports* instead of *Private Hire Arrangements*. A final update to this current version reflects a minor administrative change to how data is collected and tracked at a Provincial level.

Purpose of the Abuse Prevention and Response Protocol

The Abuse Prevention and Response Protocol is an operational policy framework of the PDD Program. It is a broad policy that applies to all situations with which PDD is involved in some capacity. PDD has both an ethical responsibility to address concerns and in those situations that are supported by PDD funds, it also has the authority to act.

The main objectives of this policy framework are as follows:

- Ensure accountability through a provincial approach to abuse prevention and response.
- Ensure that all stakeholders are aware of their responsibilities.
- Promote a collaborative, community-based approach to addressing all aspects of abuse.
- Ensure that clear accountability measures are in place.
- Ensure the availability of training on abuse prevention and response for PDD staff, service provider organizations and families/others who hire privately.

Understanding PDD's Approach

PDD's approach to addressing abuse is based on a strong value base of citizenship and self-determination. Individuals supported by PDD funding are not viewed from the perspective of "clients requiring care" but as individuals viewed as citizens who need support to have meaningful lives in their communities. PDD does, however, recognize the inherent vulnerability to abuse that comes from having a disability, which increases reliance on others for support. The Abuse Prevention and Response Protocol outlines PDD's proactive focus on prevention, while addressing the issues of reporting and reviewing allegations, as well as response and follow-up.

PDD Provincial documents that relate to addressing the issue of abuse are:

Persons with Developmental Disabilities Community Governance Act:

- The Preamble places value on honouring and respecting the dignity and equal worth of adults with a developmental disability.

PDD Program Policy:

- PDD's operational policy addresses the issue of abuse, identifying that adults with developmental disabilities "must have safety and security" while being supported in the community.

Principles for Determining Individual Support Needs:

- These principles guide the funding of supports to individuals. They focus on individuals and families being the primary voice in setting the direction and provide parameters for the delivery of paid supports in a manner that promotes inclusion.

Creating Excellence Together (CET) Standards:

- These mandatory standards, which apply to all PDD funded service provider organizations, acknowledge the importance of addressing the issue of abuse. Service providers are measured against standards, some of which are specifically related to the issue of addressing abuse, in all three categories of the standards: Quality of Life, Quality of Service and Organizational Framework.

Funding Agreements with Service Provider Organizations and Families/Others who Hire Privately:

- All PDD funded service provider organizations have contractual agreements with PDD, which include a clause requiring compliance to the Abuse Prevention and Response Protocol. All agreements are reviewed on a regular basis for compliance with the Protocol. The results of the review determine the availability of and extent of continued funding.
- It is necessary that a contractual agreement be in place with families and others who hire privately.

Jurisdictional Linkages

At times, other jurisdictions also have responsibility for responding to allegations of abuse. For example, some allegations fall under the *Protection for Persons in Care Act* (PPC Act) or the police, which have legislated responsibilities related to conducting investigations. When this occurs, an internal review is still required under the Protocol, while being careful not to obstruct or duplicate the PPC Act or police work, when they are conducting an investigation.

Protection for Persons in Care Act:

- While lead responsibility rests with the PPC Act for investigation of the allegation, the service provider maintains their responsibility to review the situation and take corrective action from an employer/employee perspective. This includes ensuring all key elements of a review are addressed, while not interfering with the PPC Act process.

Police:

- When allegations are believed to be potentially criminal in nature, the police are to be notified immediately. Police authority takes precedence over the Abuse Prevention and Response Protocol and the *Protection for Persons in Care Act*. Their authority comes from the *Criminal Code* of Canada.

Other:

- There may be times when other authorities or professionals need to be involved in a review. It is the responsibility for the person leading the review to involve other professionals as needed.

Responsibilities and Accountability of Key Stakeholders

Compliance with all aspects of the Abuse Prevention and Response Protocol is mandatory for PDD staff members, all service provider organizations (both PDD operated and community run) and families/others who hire privately. This includes adhering to all sections of the Abuse Prevention and Response Protocol, providing staff training and ensuring ongoing reasonable safeguards are in place to protect the individuals they support from abuse. PDD is committed to work in partnership with service provider organizations and families/others who hire privately in all areas pertaining to the prevention, education and response to abuse.

Individuals with developmental disabilities should be safe at all times and be treated with dignity and respect. It is important that individuals with developmental disabilities and their families, friends and guardians talk to someone they trust if they are dissatisfied or have concerns related to mistreatment or potential for abuse, regardless of the setting. Reporting and addressing the concerns is an important step in keeping people safe. PDD and those who have contractual agreements with PDD will be held accountable to address abuse as follows:

The PDD Program will:

- Hold all Community Boards accountable for implementation and monitoring of regional application for the Abuse Prevention and Response Protocol.
- Promote and maintain partnerships with other government bodies to address the issue of abuse against persons with developmental disabilities.
- Contribute to the strengthening of standards that address abuse prevention and response considerations in the Creating Excellence Together (CET) Standards.
- Focus on continuous improvement of the Abuse Prevention and Response Protocol by engaging stakeholders in reviewing, monitoring and evaluating of the Protocol.
- Ensure an ongoing mechanism to oversee the Abuse Prevention and Response Protocol and address issues as they arise.
- Identify and respond to trends, challenges and issues related to addressing the issue of abuse.
- Serve as an educational resource to the community boards, service providers and the community at large.
- Provide regular reports and identify trends related to addressing abuse at the provincial and regional levels.

PDD Community Boards will:

- Ensure service provider organizations and families/others who hire privately are accountable and adhere to the Abuse Prevention and Response Protocol.
- Ensure that service provider organizations and families/others who hire privately are aware they must report allegations to PDD.
- Ensure that service provider organizations have policies/procedures to address prevention and response to abuse, in alignment with the CET standards.
- Ensure that all contractual agreements with service provider organizations or families/others who hire privately include mandatory compliance to the Protocol.
- Ensure that recommendations from reviews of alleged abuse are addressed and implemented to reduce the risk of similar occurrences in the future.
- Follow up with service provider organizations and families/others who hire privately to ensure implementation of recommendations from reviews, as appropriate.

- Identify a PDD staff person to serve as the regional representative on the Abuse Prevention and Response Committee, while also ensuring that regional data is gathered, tracked and analyzed for regional and provincial purposes.
- Track data gathered from within the region and enter into the Consolidated Services System (CSS) for Provincial analysis.
- Act as a resource to the PDD Program, service providers, families/others who hire privately and the community at large.

Service Provider Organizations will:

- Follow hiring practices as applicable within the CET standards
- Monitor and review abuse prevention training on a regular basis.
- Train staff members and monitor compliance with the Abuse Prevention and Response Protocol.
- Establish and review policies, procedures and internal practices related to the Protocol.
- Report any allegation received to their PDD designate within one working day.
- Conduct internal reviews related to allegations of abuse, following the Protocol guidelines and inform the individual and/or their representative, the reporter and alleged perpetrator of the outcome of the review, whenever possible.
- Implement recommendations from reviews, as appropriate, to reduce future risk.
- Serve as a resource on abuse prevention and response to the individuals and/or families it supports.
- Have a mechanism in place to ensure that individuals and families receive information and orientation regarding the issues of prevention and abuse.

Note:

Any service provider organizations that use volunteers are responsible to educate any volunteers registered with their organization, on abuse prevention and response, as appropriate to their responsibilities.

Family Managed Supports will:

- Consider the importance of references and criminal record checks when hiring staff.
- Familiarize with all components of the Abuse Prevention and Response Protocol.

Section A: Context For Addressing Abuse

10

- Ensure that employees are trained in and comply with the Protocol.
- Establish and review with staff members how to address any allegations of abuse, in compliance with the Protocol.
- Report any allegation received to their PDD designate within one working day.
- Conduct internal reviews of allegations of abuse, if determined appropriate in consultation with PDD or provide cooperation with an external review.
- Inform the individual and/or their representative, the reporter and alleged perpetrator of the outcome of the review, whenever reasonable.
- Address recommendations from reviews, as appropriate, to reduce future risk.

Staff who are Hired to Provide Supports will:

- Participate in mandatory Abuse Prevention and Response Protocol training.
- For all individuals being supported promote natural connections to the community, in natural roles such as friends, neighbours, church and community league members.
- Continually focus on increasing personal awareness and understanding of abuse prevention, taking steps to apply the learning as part of the daily work.
- Take advantage of opportunities to discuss prevention, share learning and identify challenges with individuals, colleagues, supervisors and management or the families/others who hire privately.
- Report any concerns that are potential risks to the safety and security of individuals to the service provider organization, families/others who hire privately, or to PDD.
- Report any allegations of abuse to the executive director or designate, families/others who hire privately, or to PDD.

Focus on Prevention

Introduction

Literature in the field of supporting people with developmental disabilities identifies that as people become more included in ordinary community life, their risk of being abused decreases. When paid supports are involved it is important that they focus on facilitating inclusion, as the pathway to a quality life with meaningful relationships, personal control, choice and full citizenship.

While well intentioned, the historical way of providing paid supports increased the risk factors by creating more social isolation from the community at large for individuals with developmental disabilities. The inaccurate perception of individuals with developmental disabilities needing others to make decisions on their behalf because of their requirement of supports has resulted in dependence, which diminishes the individual's power and makes the person more vulnerable to abuse.

People with disabilities are often viewed through the lens of deficits and needs, rather than for their gifts and contributions. This results in people being judged as different, less valued and needy. The literature supports that these negatively laden assumptions result in an increased risk of being abused. In the majority of cases individuals are abused by people they know, and the most common location is where they live.

Understanding Vulnerabilities

People who have developmental disabilities are especially susceptible to abuse for many different reasons. The following are areas of vulnerability and some key considerations when implementing action plans focused on inclusion and reducing risks of abuse.

Authority and Power Imbalances

When abuse occurs there is always a power imbalance present, related to one person being in a position of authority over the other. This power imbalance is often evident in the life of individuals who receive paid supports in the sense that they are the receivers and the other people are the givers. Individuals who receive supports must be assisted to move from a receiver role to an empowered role of contribution, with the paid staff moving from a protective role to a facilitative role.

Negative Attitudes

Abuse occurs when people act on negative feelings and treat individuals as if they are not valued members of society. When individuals with developmental disabilities are recognized as valued members of society who contribute within a network of community supports, the probability of mistreatment is reduced.

Learning to be Compliant

Historically, individuals with developmental disabilities have had less opportunity and experience with making choices. Sometimes individuals are not taught to make choices and are expected to defer to the opinions of others who may believe they know best. This becomes learned compliance, which makes individuals more vulnerable. This is further complicated by the tendency of people with developmental disabilities to want to please, especially when interacting with people in positions of authority.

Isolation and Protection

Sometimes individuals with developmental disabilities are isolated from the community, and paid staff play a major role in their support network. As a result, individuals may have no source of outside assistance, support or advocacy to protect them from abuse and/or support them if they are ever victimized. It is crucial to provide opportunities to individuals that will expand their relationships and promote community inclusion.

How to Reduce Vulnerabilities

The literature supports that the best way to prevent abuse is to meaningfully include individuals with developmental disabilities in regular community life, as neighbours, co-workers, volunteers and friends. This requires a shift in thinking, away from a “client” perspective and towards a citizen perspective, by:

- Seeing people from a positive perspective of capacities and gifts, not deficits and needs.
- Striving for a quality life, which is defined by the person based on interests, dreams and desires.
- Being involved in the community, where people can get to know the person.
- Supporting the individual to lead, with the support of families and having paid staff play a support role to the extent necessary.
- Assisting individuals with developmental disabilities to understand their right to be treated with dignity and respect, how to recognize abuse and know what action to take.

Prevention Expectations of Key Stakeholders

The following specifies the expectations of key stakeholders related to abuse prevention:

PDD Program and Community Boards:

- Ensure that training materials are available for community use.
- Serve as a resource to the community in the area of education on abuse prevention.
- Keep current on the literature and promising practices regarding prevention of abuse.
- Be available as an educational resource to post secondary educational faculties and encourage a focus on prevention.

Section B: Focus on Prevention

- Encourage service provider organizations and families/others who hire privately to discuss abuse prevention, share learnings and identify challenges.
- Ensure service provider organizations and families/others who hire privately understand the expectation to educate their staff and encourage dialogue in the area of abuse prevention.
- Ensure service provider organizations have a mechanism in place to provide individuals and families with information and orientation regarding the issues of abuse prevention and response.
- Hold service provider organizations and families/others who hire privately accountable for using PDD funds towards the promotion of inclusion for the individual(s) being supported.

Service Provider Organizations:

- Have a clear understanding of the prevention component of the Protocol.
- Conduct criminal record checks on all potential employees.
- Ensure all staff are trained on the Abuse Prevention and Response Protocol.
- Provide opportunities for staff members to discuss prevention, share learnings and identify challenges.
- Monitor how well staff practices promote the strengthening of natural connections within the community.
- Have a mechanism in place to ensure that individuals and families receive information and orientation regarding the issues of abuse prevention and abuse.
- Assist individuals in understanding what abuse is and what their rights are.
- Act as a resource to the community at large.

Family Managed Supports:

- Have a clear understanding of the prevention component of the Protocol.
- Consider the importance of criminal record checks for potential employees.
- Ensure all staff are trained on the Abuse Prevention and Response Protocol.
- Provide opportunities for staff to discuss abuse prevention, share learnings and identify challenges.
- Monitor how well staff members' practices promote the strengthening of natural connections within the community.
- Ensure that the individuals being supported are aware of their rights and the outcome of supports that are intended to assist them to achieve a quality life in the community.

Staff Hired to Provide Supports:

- Participate in mandatory abuse prevention training.
- Use positive practices in supporting individuals.
- Promote natural connections to the community.
- Take a continuous improvement approach to enhancing awareness and developing skills related to abuse prevention and integrate them into your daily work.
- Take advantage of formal and informal opportunities to discuss abuse prevention, share learnings and identify challenges.

Applying the Principles for Determining Individual Support Needs

PDD's Principles for Determining Individual Support Needs drive how supports will be provided to promote inclusion, based on the person's hopes, dreams and wishes. When staff become involved in a person's life, they are expected to adhere to the supplementary principles, which serve as a guide to how supports are provided. The principles are to be viewed collectively as a way to promote meaningful involvement in community life. As already noted, building and strengthening meaningful connections for individuals in their communities is essential to decreasing the likelihood of abuse. The principles follow on the next page.

Principles for Determining Individual Support Needs

☞ Foundation Principle ☞

Individuals, with the assistance of their families and friends, are the primary source for identifying what is best for themselves and what kinds of support they require.

☞ Supplementary Principles ☞

Recognizing that many adults with developmental disabilities require the assistance of paid supports to live, work and participate in the community, supplementary principles have been identified to guide supports funded by PDD.

- ☞ Supports assist individuals to be fully included and live meaningful lives in the community.
- ☞ Supports are adequate, flexible and individualized, while being responsive to personal and family changes, as well as community dynamics.
- ☞ Supports assist individuals to maintain and build their connections and relationships with family, friends and other community members and should not define all aspects of the person's life.
- ☞ Supports recognize the potential of individuals and provide them with opportunities for continuing growth, personal development and life-long learning.
- ☞ Supports respond to the direction determined by individuals, their families and guardians, being careful to follow their lead, rather than taking control.

Reporting & Response Considerations

Introduction

When supporting individuals with developmental disabilities in any capacity, the service provider organization, family/other who hires privately and PDD share the ethical responsibility to take reasonable action to reduce the risk of mistreatment. In addition to there always being an ethical responsibility to take action with allegations of abuse, PDD has the authority to take action when it relates to situations funded by PDD.

Ethical Responsibility to Take Action

There are two levels of ethical responsibility: 1) related to situations of concern that are not receiving PDD funding and 2) situations which are receiving PDD funding.

Situations of concern that are not receiving PDD funding

Service provider organizations, families/others who hire privately and PDD solely have an ethical responsibility to do whatever is reasonable related to the individuals it supports, by influencing situations over which they have no jurisdiction or authority. PDD is committed to playing a role in educating and influencing such situations, as the need arises. One of many examples of such a situation and PDD's potential role in reducing risks is as follows:

- When stress while in the family home is impacting an individual who lives in a PDD-funded arrangement during the week, while not being funded for visits to the family home on the weekends.
 - PDD's potential role - PDD can be a resource in exploring options to increase support and reduce risks, through generic and specialized supports

Situations which are receiving PDD funding

In situations which do receive PDD funding, the service provider organization, private hire arrangement and PDD all have an ethical responsibility to be proactive and take action to reduce the potential for harm, when they become aware of concerns. Examples of such situations and PDD's potential role in reducing risks include, but are not limited to the following:

- When behavioural concerns with a non-paid roommate impact a person being supported by PDD funding
 - PDD's potential role - PDD can be a resource to help determine a course of action to minimize risks and promote the safety of all individuals involved.
- When staffing practices or inaction creates the potential for putting the individual at risk of being harmed.
 - PDD's potential role - PDD can discuss the issue and explore options with the service provider organization or family/other who hires privately.

While the types of situations identified above are to be addressed from the ethical perspective, for PDD purposes they are not tracked through this Protocol, nor are they considered allegations of abuse. Everyone is encouraged, however, to be proactive in raising ethical concerns with the service provider organization, family/other who hires privately or PDD. Raising such concerns provides the opportunity for a team approach to addressing matters to the best of everyone's ability.

Authority to Take Action

PDD has the authority to address allegations of abuse in situations where PDD provides funding to service provider organizations (both government operated and community run) and families/others who hire privately. In the case of community based service provider organizations and families/others who hire privately, the authority will come from a signed contractual agreement. In the case of government-operated facilities, the authority comes from its basic duty to protect while being directly responsible for providing services to the individuals it supports. In PDD funded situations, allegations of wrong doing by staff members may be considered to be abuse and are reviewed from that perspective.

Examples of such situations include, but are not limited to the following:

- If a staff member of a community service provider organization allegedly hits an individual supported by PDD funds.
- If a staff member of a PDD direct operation allegedly is negligent in providing an individual with adequate support.
- If a staff member of a family who hires privately allegedly exploits an individual for whom the staff is paid to provide support.

What PDD Considers to be Abuse

While abuse means many different things to people, for the purposes of this document, abuse occurs when a staff person misuses their authority by acting in a way that causes harm or could potentially cause harm to an individual receiving PDD funded supports. This applies to situations where PDD has the authority to act, which means when a paid staff member allegedly abuses such an individual. Some forms of abuse will be considered "criminal in nature" as they can be found in the *Criminal Code*. Other forms of abuse can be equally harmful and need to be taken just as seriously even though they are not violations of the *Criminal Code*.

It is important to note that people may use different words to describe such types of abuse. Each situation is unique, and depending on the circumstances of each situation, the allegation may need to be reported to the police right away. The allegation does not need to be intentional or to have caused harm to be worthy of a review.

For tracking purposes, PDD identifies categories of abuse under the following headings:

Physical Abuse

Physical acts of assault that are not limited to but may include acts such as hitting, punching, kicking, biting, throwing, burning or violent shaking that cause, or could cause physical injury.

Possible indicators of physical abuse:

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

Sexual Abuse

Sexual assault (touching of a person's sexual features without consent) and/or sexual harassment (any conduct, comment, gesture or contact of a sexual nature likely to cause offence or humiliation to an individual). Due to the power imbalance related to the staff member's authority, it is unethical for a staff member and an individual who receives support to engage in a sexual relationship.

Possible indicators of sexual abuse:

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

Negligence

Failure to provide or make available necessities that are not limited to but may include such things as food, clothing, shelter, hygiene, medical care, protection from hazardous environments, and support or supervision appropriate to the person's age, development, or situation.

Possible indicators of negligence:

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

Emotional Abuse

The rejecting, ignoring, criticizing, insulting, threatening, harassing, degrading, humiliating, intimidating or terrorizing of a person. Acts or omissions that cause, or are likely to cause conduct, cognitive, affective or other mental disorders, emotional stress or mental suffering.

Possible indicators of emotional abuse:

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

Exploitation

Taking advantage of a person, including but not limited to money, possessions as well as persuasion to do things that are illegal, or not in the individual's best interest.

Possible examples of exploitation:

- Using someone's Treaty card to access benefits
- Borrowing money or possessions without permission
- Convincing someone to give away possessions
- Convincing someone to do something they do not want to do

Inappropriate Use of Restrictive Procedures

As noted in Creating Excellence Together (CET) Standards, a restrictive procedure is an act that restricts the rights, freedoms, choices or self-determination of an individual. It can be a response to a situation or behaviour of concern that restrains an individual's normal range of movement or behaviour. It can also be limiting a person's access to events, relationships, or possessions that would normally be available to that individual.

There are times when restrictive procedures may need to be used in emergency situations for the health and safety of an individual. If this occurs more than once, then a planned procedure should be developed to address the situation. All planned restrictive procedures need to have a preventative component and need to be approved by a qualified person as defined by the CET standards, as well as approved by the individual and/or guardian before being implemented.

Possible examples of inappropriate use of restrictive procedures:

- Withholding an individual's personal possessions
- Using medications outside of the approved planned approach

Addressing Concerns

Citizens are encouraged to report any concerns about wrongdoing, whether it falls under PDD's definitions of abuse or not, regardless of whom acted inappropriately. This includes individuals who were subjected to or witnessed the alleged abuse, a third party who heard about the allegation, staff members, families, guardians, advocates, neighbours, etc. Although third parties can report, first hand information will also be pursued, as it is the most accurate way in assisting PDD, service providers and families/others who hire privately to understand the facts regarding the allegation.

Obligation to Report Allegations

It is a requirement of PDD funding that service provider organizations and families/others who hire privately ensure that their staff are aware that it is mandatory to report any incident of suspected abuse immediately to their Executive Director/their designate, the family/other who hires privately or to PDD. If an individual is uncertain about whether or not to report, err on

the side of safety by reporting the matter. It is not up to the individual reporting the matter to determine whether the observation is sufficient evidence for any type of investigation or review. All concerns will be addressed, however, the more specific the information, the more helpful it may be.

When any person reports a concern, the service provider organization, family/other who hires privately or PDD shall take no action against the person for reporting, unless it is proven that the report was made maliciously. PDD supports and promotes the rights of confidentiality of the reporter. The name of the reporter is not disclosed unless required through another enactment, such as legal proceedings.

Where to Report Allegations

Staff hired with PDD funding must report any allegation or suspicion of abuse immediately to their Executive Director or designate, or family/other who hires privately. If this is not possible, or the person is uncomfortable doing so, the person must report the alleged abuse directly to PDD or, when appropriate, to external investigative bodies such as the PPC Act and/or the police.

For staff working in settings where the *Protection for Persons in Care Act (PPC Act)* applies the allegation must be reported to the *Protection for Persons in Care Act* reporting line at 1-888-357-9339, during government business hours. After business hours, a voicemail message can be left and the call will be returned the next business day. When someone is uncertain if the *Protection for Persons in Care Act* applies, they are encouraged to call the reporting line for direction as soon as possible. PPC Act staff will redirect the report back to PDD for follow-up if the PPC Act does not apply. For allegations that require immediate intervention contact the police.

When someone reports a suspected situation of abuse, the basis can range from a general sense of discomfort, to having witnessed an incident directly. All of this information is valuable and can help guide the development of the review. The following identifies the type of questions people may be asked to help better understand the concern:

- What is the basis of the concern?
- Was this something that was witnessed or disclosed in a conversation?
- Who was there? Who was involved?
- When did it happen? Where did it happen?
- What happened right before? What happened immediately after?
- Has anything happened since?
- Has anyone been notified?
- What is your name and phone number?

Stakeholder Requirements for Addressing Allegations

The following steps outline the requirements to follow when an allegation of abuse is received. A flow chart outlining the process related to addressing abuse is provided in Appendix II, along

with references to where more details are available within the Abuse Prevention and Response Protocol.

Responsibilities of Staff Hired to Provide Supports

- Stop the abuse from happening.
- Ensure the immediate safety of all individuals impacted by the incident, with the least possible disruption.
- Ensure emotional support is provided to all parties, as well as medical support, if required.
- If the allegation is believed to be criminal in nature or if it is uncertain, contact the police. When police are involved, they must be informed if a guardian has been appointed and offered a copy of the guardianship order if it is available.
- Report the allegation to the PPC Act reporting line, if the Act applies or if you are unsure.
- Notify the Executive Director or family/other hiring privately, if not implicated in the allegation.
- Cooperate fully during the review of allegations presenting clear factual information.

Responsibilities of the Executive Director or Designate

- Stop the abuse from happening.
- Ensure the safety and the rights of all individuals impacted by the incident.
- Inform the guardian as soon as reasonable, within 24 hours of becoming aware of the incident.
- If the allegation is believed to be criminal or it is uncertain, contact the police and ensure that the person making the allegation provides a direct statement to police if possible.
- When police are involved, they must be informed if a guardian has been appointed and offered a copy of the guardianship order if it is available.
- Cooperate with the police when they are conducting an investigation.
- Notify the staff designate from the PDD Community Board of the situation within one working day of becoming aware of the incident, providing a preliminary report with basic information, as referenced in Appendix III.
- Initiate an internal review, seeking support from PDD if needed and make recommendations for corrective action.
- Provide a written interim or final report to PDD within 30 days of the allegation being reported providing details of the review as outlined in Appendix IV.

- Inform the individual and/or their representative, the reporter and alleged perpetrator of the outcome of the review, whenever reasonable and in a timely manner. In situations where the PPC Act applies, this allegation still needs to be reported to the PDD designate.
- Make any decisions as deemed necessary regarding the employment status of staff hired to provide PDD funded supports.

Note:

If the Executive Director is implicated, PDD needs to be notified immediately, as does the Board of Directors, if a Board of Directors is in place. The Board then takes over all the responsibilities of the Executive Director. If there is no Board then PDD takes over these responsibilities. In these cases PDD can take responsibility to conduct the review and provide recommendations for corrective action, or the Board may choose to contract with a third party to conduct the review.

Responsibilities of the Family/Other Who Hires Privately:

- Stop the abuse from happening.
- Ensure the safety and the rights of all individuals impacted.
- If the allegation is believed to be criminal or it is uncertain, contact the police and ensure that the person making the allegation provides a direct statement to police if possible.
- When police are involved, they must be informed if a guardian has been appointed and offered a copy of the guardianship order if it is available.
- Cooperate with the police when they are conducting an investigation.
- Notify staff from the PDD Community Board of the situation within one working day of becoming aware of the incident, providing a preliminary report with basic information, as referenced in Appendix II.
- Provide overview of the allegation to PDD designate, minimally including the name of the alleged victim, type of alleged abuse and if police are involved.
- Consult with PDD related to who should take lead responsibility with the review process.
- When the family/other has lead responsibility for conducting the review, provide a written interim or final report to PDD within 30 days of the allegation being reported.
- Make any decisions as deemed necessary regarding the employment status of staff hired to provide PDD funded supports.

Responsibilities of the PDD Representative:

- Seek immediate contact with the service provider organization or the family/other who hires privately to ensure the safety and the rights of all individuals impacted by the incident.

- Clarify that the police are to be involved if the allegation is believed to be a criminal act.
- Contact the Executive Director/proprietor or family/other hiring privately, seeking more information as necessary.
- Ensure the service provider organization has notified the guardian as soon as reasonable, within 24 hours.
- Request that the Executive Director/proprietor conduct an internal review, seeking support from PDD if needed and make recommendations for corrective action.
- In cases where the Executive Director/proprietor is implicated, and no Board of Directors is in place, then PDD will carry out the review and provide recommendations to the service provider for corrective action.

Confidentiality and Privacy Considerations

While communication is key, it is critical to know what is or is not appropriate to share, when and with whom, what questions can be asked and when is the appropriate time to ask them. The nature of the allegation determines what the necessary next steps are and who will be involved. Appendix I provide guidelines for involving guardians.

All information provided is subject to the privacy provisions set out in the *Freedom of Information and Protection of Privacy Act (FOIP)*. Every attempt will be made to maintain confidentiality in all aspects of the review. The FOIP Act must be complied with in the collection, use, disclosure and security of personal information obtained by or on behalf of a public body. Disclosure of any personal information collected during an investigation or through any process by or on behalf of a public body would have to be permitted by Section 40 of the FOIP Act.

Reviewing Allegations

A review is required whenever allegations of abuse have been reported, or whenever there are indicators of abuse, even if no alleged perpetrator has been identified. The review provides an excellent opportunity to address concerns, learn from what happened and use this knowledge to take action towards preventing future incidents. The outcomes of the review are the critical first steps in identifying if abuse has occurred and what actions will be taken to prevent the reoccurrence of abuse, or potentially abusive situations.

There are two types of reviews - internal and external. Service provider organizations and families who hire privately must always conduct an internal review, to ensure the immediate safety of the individual and to address any employee relations' issues.

Note: There are times, based on unique circumstances that families are paid to provide the support directly to a family member, independent of a service provider organization and without employing staff. When concerns are expressed about mistreatment in such situations, PDD will assume lead responsibility to address the concern, following the steps identified in the Protocol.

Understanding Reviews

Internal Reviews

Internal reviews are those conducted in one of three ways as follows:

- Independently by the service provider organization or family managed supports;
- In conjunction with PDD; or
- Through an agreement with a third party, at the request and responsibility of the service provider organization or family/other who hires privately.

External Reviews

External reviews are typically conducted by PDD, the PPC office, professional associations, or a Police Service, either by their employees or through a contract with a third party. Service provider organizations and family managed supports are expected to co-operate with external reviews. When PDD is conducting the review independent of the service provider organization or private hire arrangement, a PDD staff will be assigned or PDD will contract with a third party.

Although the alleged victim, a parent/guardian, service provider organization, family/other hiring privately, or the alleged perpetrator may request that PDD conduct an external review, the PDD Community Board CEO will ultimately decide if an external review is required for allegations under the Protocol. The PDD Community Board CEO will review the situation and decide if an external review is warranted. The CEO may consider an external review when:

- PDD assesses that outside expertise is required.
- The Executive Director of the service provider organization or family/other hiring privately is implicated.
- The personal relationship is considered a factor that may impact the ability of the family/other who hires privately to conduct the review in an objective manner.
- The incident may have occurred due to systemic problems within the organization.
- The incident is of a highly sensitive nature.
- There was an unsatisfactory process or questionable outcomes of the internal review.
- The nature of the allegation is complex or multiple allegations are made.
- It is a repeat allegation.
- There is sufficient information to believe the allegation may have been made maliciously.

Guidelines for Conducting Reviews

When reviews are conducted under the authority of legislation (PPC Act or *Criminal Code* of Canada), the PPC office or police will determine process considerations. The following guidelines are intended to assist service provider organizations, families/others who hire privately and PDD in conducting reviews.

Process Considerations

Determine *who is the most suitable person* to conduct the review:

- The service provider organization may consider conducting the review independently or may consult with PDD on the process for an internal review.
- Families/others who hire privately are to consult with PDD if an allegation arises, to determine the best course of action. PDD reserves the right to take the lead in allegations in these situations, if this is deemed to be most appropriate under the circumstances. In such circumstances, PDD would provide an external review with the internal review completed by the family to address any employee relation issues.
- Develop a plan for how to conduct the review that outlines all steps to be followed (including where to go, with whom to speak, reviewing of documentation and other information etc.).
- Obtain guardian consent before interviewing individuals unless there are extenuating circumstances, for example the guardian is implicated, or is unavailable and there is no appointed alternate guardian.
- Interview relevant people who can shed light on what led up to the incident and what happened.
- When interviewing, be sensitive to how this is conducted, especially related to interviewing individuals with developmental disabilities, see Appendix V.
- Obtain physical information pertinent to the allegation. This could include such things as documentation, records, articles of clothing, faulty equipment, etc.
- Consider the relevance of secondary documentation. This may include files, policies and procedures, training procedures, and orientation practices.
- If at any time allegations are found to be potentially criminal contact the police. Service provider organizations and families/others who hire privately must still ensure the safety of individuals and manage employee relations issues even in the event of a criminal investigation.

Identifying Findings and Recommendations

The internal reviewer must provide a written interim report or final report to the PDD representative within 30 days of the allegation being reported which should minimally include:

- The allegation as it was submitted.
- An identification of the type of the allegation (e.g. exploitation).
- A description of the review process and the information gathered.
- A statement as to whether the allegation was determined to be founded, unfounded or inconclusive.
- Recommendations based on the findings of the investigation. This may include a plan for contacting the professional association of the alleged abuser, if appropriate, retraining staff etc.

- A description of any corrective or proactive measures already taken.
- An outline of what follow-up measures will be undertaken to support the individual and others impacted by the allegation, as well as what to do to prevent similar occurrences.
- An action plan to be undertaken by the service provider organization or family hiring privately.

Follow-up

What Happens After the Review?

Once an internal review is completed, the service provider organization or family/other hiring privately will provide a report to the PDD Community Board designate that outlines a summary of the review process, findings of the review and recommendations by the service provider organization or the family/other who hires privately. Accompanying these recommendations will be the action plan for addressing any issues identified in the review. This action plan will include timelines and specifically what action will be taken to prevent similar situations. The details required in this report are outlined above and again in Appendix IV. The PDD Community Board designate will monitor the implementation of this action plan.

PDD has lead responsibility for tracking reporting of statistical data related to allegations. Tracking the number and nature of allegations reported can help PDD, service provider organizations and families/others who hire privately identify areas where training or other supports are needed, review trends, and reinforce for all individuals, families and staff that there is an avenue to address issues related to abuse.

A preliminary report is shared with PDD, minimally providing the core information identified in Appendix II. Formats for providing the information may vary, including the possibility of verbal reports for families/others who hire privately. Each Community Board will retain this data, sending a standardized summary report to the PDD Program Office on a quarterly basis. The purpose of statistical tracking is to affect positive change and be proactive in addressing concerns. Any failure to provide a preliminary and final report will be addressed by PDD and corrective action will vary depending on the unique circumstances.

Upon completion of the review, it is expected that the individual and/or their representative, reporter and alleged perpetrator be informed of the outcome of the review, whenever reasonable. This responsibility rests with the service provider organization and private hire arrangement when an internal review is conducted.

Addressing Support Needs During and After the Review

Everyone connected to an abuse allegation will be affected by the allegation itself and the actions necessary to conduct a review. The impact may be different for everyone and may be expressed in different ways. It is important to identify and understand the needs for support

for the alleged victim, their families and friends, the person who reported the abuse, others providing supports and the alleged perpetrator. Critical things to remember include:

- Be willing to listen; individuals may need to talk about their experiences.
- Professionals who have training dealing with abuse can assist the individual in dealing with the many feelings resulting from the abuse. They could also assist the family in dealing with their feelings surrounding the event and give suggestions on how to help the individual.
- Maintaining normal activities and expectations will assist with helping the individual feel safe again.
- Maintain open communication, especially around the activities of the review and recommendations. Work together to maintain a strong support network for the individual.

The PDD Community Board representative will be able to assist in identifying available supports within the community. Some suggestions are:

- Victim Services Units
- Counsellors
- Help-lines
- Health professionals

Resolution of Concerns

It is important to recognize that all those involved in reporting, reviewing and following up on abuse allegations are partners in responding to the needs of vulnerable adults. It is reasonable to expect that occasionally differences of opinion will arise over abuse concerns. If there is dissatisfaction with decisions related to a review, or with the processes made to reach these decisions contact the CEO of the PDD Community Board. The CEO will then determine if further action is warranted.

If a staff member believes that he/she has been negatively impacted by the review of an allegation of abuse and resulted in a loss of their job, there are processes to address this. One example of a resource is Alberta Human Resources and Employment, Workplace Policy and Standards Development Branch. Within this branch there exists an Employment Standard related to the dismissal of staff for allegedly abusing vulnerable individuals. The Employment Standard Fact Sheet, "Termination for Just Cause Involving Abuse of Vulnerable Individuals", (Appendix VII) uses the PDD Protocol's definition of abuse and outlines how it will address complaints for termination pay from employees who are alleged to have abused an individual they were hired to provide supports for.

Conclusion

Taking a broad encompassing approach to addressing the issue of abuse prevention and response aligns with PDD's commitment to supporting individuals with developmental disabilities to live, work and participate in their communities as valued citizens.

By promoting the active involvement of individuals with developmental disabilities in their communities, individuals have more of the natural safeguards that come from being a valued part of the community. This in turn reduces risks. By strengthening accountability for all parties and clarifying processes when an allegation of abuse is made, PDD is committed to supporting individuals, families, guardians and service provider organizations in addressing concerns, taking action as needed and focusing on how to prevent similar concerns in the future.

As PDD proceeds further down the road of abuse prevention and response, individuals and families will be consulted in regards to making further improvements. This document is a work in progress and as such suggestions for strengthening the Protocol are welcomed by contacting the PDD Program office at www.pdd.org or calling 780-427-1177.

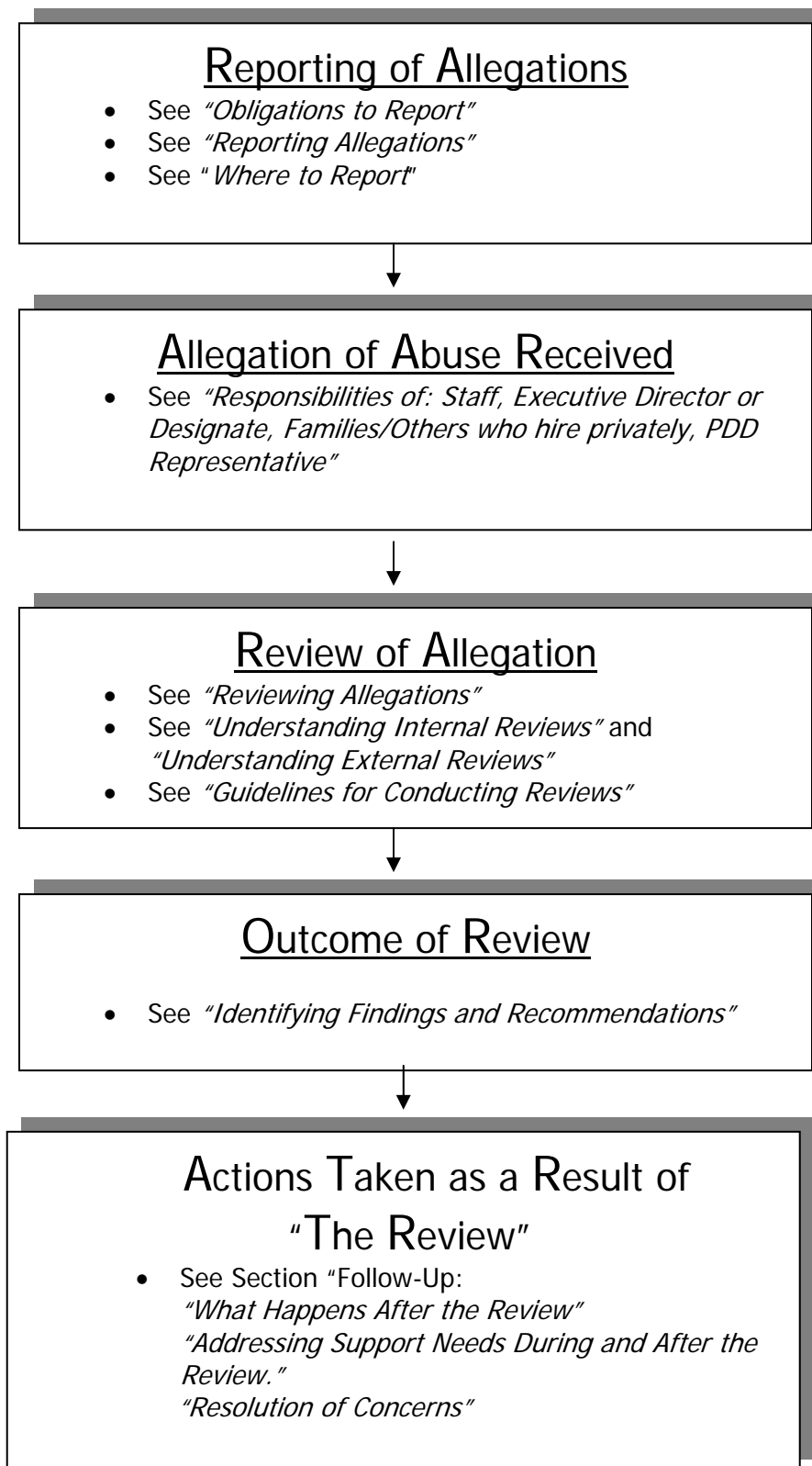
Appendix I

Guidelines for Involving the Guardian

- Ensure the guardian is provided with a full outline of the allegation, the location of the dependent adult, the dependent adult's physical/mental condition and the name of the reviewer, as soon as reasonable, within 24 hours.
- If the allegations are of a criminal nature, advise the police that the person is a dependent adult (provide guardianship order if possible) and the name of the private guardian or public guardian representative.
- Defer formal interviewing of the dependent adult until the guardian or legal counsel has been consulted.
- The guardian has the responsibility to ensure the dependent adult is represented by counsel if required (if this is authorized by the guardianship order).
- The guardian should be consulted prior to any decision being made about health care, changing residences, releasing information or any other areas of authority granted to the guardian under the Guardianship Order.
- The executive director/designate or the police or medical professionals should not assume that the guardian is familiar with the process. It may also be the first time that the guardian has ever faced this type of situation.
- If a consent or decision is required from the guardian, the persons requiring the consent under the Protocol have an obligation to explain what consent is required, why it is needed and to provide full information to ensure that an informed consent is obtained. Such consent may be verbal or written. Due to the sensitivity of instructions made under the protocol, if a verbal consent is obtained, the consent should be heard by two people and documented immediately. The guardian should receive a copy of the consent.

Appendix II

Allegation Review Process Flow-Chart



Appendix III

Abuse Prevention and Response Protocol Preliminary Report

Sample Format

Service provider organizations and families/others who hire privately are required to provide the following information concerning allegations of abuse involving individuals being supported by PDD funds to PDD within one working day of becoming aware of an allegation. The service provider organization is responsible to maintain more detailed information on their internal review, providing an interim or final report to their PDD representative within 30 days of the allegation.

Note:

The following information must be provided to PDD in all situations, regardless of whether the allegation was reported to the PPC Act or police for an external review.

Date allegation was reported: _____

Name of reporter and role: _____

Staff, family, friend, if available

Name of alleged victim: _____

Type of allegation: Indicate only one, identifying the *primary* nature of allegation:

Physical abuse __, sexual abuse __, negligence __, emotional abuse __, exploitation __, inappropriate use of restrictive procedures ____.

Circumstances reported: Including whether or not the guardian has been informed of the allegation and if so, on what date.

Action taken to ensure safety and security of the individual(s) being supported by PDD:

PDD Involvement Requested in the Review: Yes ___ No ___

Involvement of legislated authorities:

PPC Act Yes ___ NA ___

Police Yes ___ NA ___

Area reporting:

Community service provider organization __ PDD Direct Operation __ Private hire arrangement __

Signature (Executive Director or family/other hiring privately)

Date

Appendix IV

Abuse Prevention and Response Protocol Interim/Final Report

Service provider organizations and families/others who hire privately are required to provide an interim or final report to their PDD representative within 30 days of the allegation. The following outlines what minimally should be included in the final report:

- The allegation as it was submitted.
- An identification of the type of the allegation (e.g. exploitation).
- A description of the review process and the information gathered.
- A statement as to whether the allegation was determined to be founded, unfounded or inconclusive.
- Recommendations based on the findings of the investigation. This may include a plan for contacting the professional association of the alleged abuser, if appropriate, retraining staff etc.
- A description of any corrective or proactive measures already taken.
- An outline of what follow-up measures will be undertaken to support the individual and others impacted by the allegation, as well as what to do to prevent similar occurrences.
- An action plan to be undertaken by the service provider organization or family hiring privately.

Appendix V

Interview Considerations

- The alleged victim should be spoken with promptly and in a supportive manner. If the individual chooses, a person from his/her support network could be present.
- Ensure the person is as comfortable as possible, offering to involve the person's support network if the person would appreciate this.
- Other interviews to be conducted could include witnesses, family members and friends, other people with relevant information pertaining to the incident. Ideally the information obtained should be from first hand sources that may have factual and objective information to provide.
- Ask questions that are open ended, not leading or closed as they can be answered with one word.
- Take good, clear notes of what the interviewer has said and the person being interviewed said, quoting as much as possible.
- Remember that the alleged abuser and the reporter are also important sources of information.

Appendix VI

PDD Data Tracking Requirements

PDD Data Tracking Requirements, from Community Boards to PDD Program:

PDD Community Boards are required to enter allegation information into CSS upon receipt of the Preliminary Report. The information is regularly collated and reviewed by the PDD Program office. Community Boards are responsible to monitor implementation of the Abuse Prevention and Response Protocol, including monitoring compliance with staff training and the implementation of action plans arising from recommendations.

Regional Breakdown of Abuse Allegation					
Reports of Abuse:	First Quarter Apr-Jun	Second Quarter Jul-Sep	Third Quarter Oct-Dec	Fourth Quarter Jan-Mar	Fiscal Year Total
Physical Abuse					
Sexual Abuse					
Negligence					
Emotional Abuse					
Exploitation					
Inappropriate Restrictive Procedures					
Total					

Regional Breakdown by Funding Arrangement					
Reports of Alleged Abuse within:	First Quarter Apr-Jun	Second Quarter Jul-Sept.	Third Quarter Oct-Dec	Fourth Quarter Jan-Mar	Fiscal Year Total
Community run service provider organizations					
PDD direct operations					
Family Managed Supports					
Total					

Regional Breakdown by Status of Allegation

	First Quarter Apr-Jun	Second Quarter Jul-Sep	Third Quarter Oct-Dec	Fourth Quarter Jan-Mar	Fiscal Year Total
Founded <i>(supported by the evidence)</i>					
Unfounded <i>(not supported by evidence)</i>					
Inconclusive <i>(insufficient evidence)</i>					
Incomplete <i>(still under review)</i>					
Total					

Regional Breakdown by Review Type

Type of Review:	First Quarter Apr-Jun	Second Quarter Jul-Sept.	Third Quarter Oct-Dec	Fourth Quarter Jan-Mar	Fiscal Year Total
<u>Internal Lead</u> -Service provider Organization					
-Family hiring privately					
<u>External Lead</u> - PDD					
- PPC					
- Police					

Regional Focus on Prevention

*** The nature of the information collected may change from year to year, in response to the expansion of the prevention focus**

Jan - Dec 2004: Number of regional staff training sessions held					
Issues related to staff training sessions					
Key learnings for staff practice					

EMPLOYMENT STANDARDS FACT SHEET

Appendix VII

TERMINATION FOR JUST CAUSE INVOLVING ABUSE OF VULNERABLE INDIVIDUALS

Employment Standards attempts to balance the rights of employees whose employment has been terminated with the rights of Alberta's most vulnerable individuals. This fact sheet outlines how complaints for termination pay from employees who are alleged to have abused individuals will be dealt with.

In home care, domestic employment and supported living arrangements that fall under the Employment Standards Code, employees may be terminated for abuse of the vulnerable person that they are hired to support. The usual guidelines for determining just cause are not appropriate for terminations related to abuse of such vulnerable individuals as they require support and depend on others for their safety and well being. A verbal abusive outburst by a support person, even if precipitated by a vulnerable person's actions, could be more devastating to the emotional and mental well being of these vulnerable individuals than to other individuals.

Recognizing the seriousness of abuse of vulnerable Albertans, the Government of Alberta and Persons with Developmental Disabilities (PDD) have established measures to address this issue. The actions taken to address this are:

Enactment of provincial legislation for the *Protection For Persons in Care Act*, which deals with abuse in group homes, hospitals and other publicly funded care facilities.

- Establishment of the PDD policy framework for the Abuse Prevention and Response Protocol which applies to all PDD funded situations. Employment Standards will apply the definitions contained in the Protocol in the investigation of all complaints involving dismissal where abuse of vulnerable persons is alleged. Excerpts from the Protocol (available at www.pdd.org) follow.

Abuse Prevention and Response Protocol

While abuse means many different things to different people, for the purposes of the Abuse Prevention and Response Protocol, abuse occurs when a staff person misuses their authority by acting in a way that causes harm or could potentially cause harm to an individual receiving PDD funded supports. In PDD funded situations this means abuse by paid staff against an individual receiving funding from PDD. Some allegations will be considered "criminal in nature" as they can be found in the *Criminal Code*. Other allegations of mistreatment will not be violations of the *Criminal Code*, yet need to be taken just as seriously, as they can be equally harmful. PDD identifies categories of abuse under the following headings:

(1) Physical Abuse

Physical Acts of assault such as hitting, punching, kicking, biting, throwing, burning or violent shaking that cause, or could cause physical injury.

(2) Sexual Abuse

Sexual assault (touching of a person's sexual features without consent) and/or sexual harassment (any conduct, comment, gesture or contact of sexual nature likely to cause offence or humiliation to an individual).

(3) Physical Negligence

A failure to provide or make available necessities to people, such as food, clothing, shelter, hygiene, medical care, protection from hazardous environments, and support or supervision appropriate to the person's age, development or situation.

(4) Emotional Abuse

The rejecting, ignoring, criticizing, insulting, threatening, harassing, degrading, humiliating, intimidating or terrorizing of a person. Acts or omissions that cause or are likely to cause conduct, cognitive, affective or other mental disorders, emotional stress or mental suffering.

(5) Exploitation

Acts that take advantage of a person, including but not limited to money and material things, as well as persuasion to do things that are illegal or not in the individual's best interest.

(6) Inappropriate Use of Restrictive Procedures

Restrictive Procedures are acts that restrict rights, freedom, choices or self-determination of an individual. Some examples are:

- Punishing someone
- Inappropriate use of medication

Application to Employment Standards

In Employment Standards complaints for termination pay, abuse of vulnerable individuals will be considered "just cause" for termination of employment. If an employee's employment is terminated for just cause, written notice of termination, pay in place of notice, or a combination of notice and pay is not required. To determine if abuse occurred, the above descriptions of abuse are used when investigating these complaints. Other things to establish are:

- Did the employee receive training on the Abuse Prevention and Response Protocol?
- How long has the employee worked with this vulnerable population?
- Even though a personality conflict between the vulnerable individual and support staff precipitated the abuse, did the staff person demonstrate care, compassion and respect towards the vulnerable individual?

This document is for general information. For the purposes of interpretation and application of the law, the *Employment Standards Code* and the *Employment Standards Regulation* should be consulted.

References

Alberta Association of Rehabilitation Centres (2001) Creating Excellence Together Standards. Calgary: Alberta Association of Rehabilitation Centres.

Alberta Committee of Citizens with Disabilities (2002) STOP Violence Against Women with Disabilities. Edmonton: Alberta Committee of Citizens with Disabilities.

Brown, Jacqueline, Miranda, Pat. (1997) Making a Difference: Preventing and Responding to Abuse for People with Developmental Disabilities: A Learning Guide. Vancouver: British Columbia, Ministry for Children and Families.

Essex County Association for Community Living. DARE. Ontario: Essex County Association for Community Living.

L'Institute Roeher Institute (1994) Violence and People with Disabilities: A Review of the Literature. Ontario: Family Violence Prevention Division, Health Canada.

National Clearinghouse on Family Violence (1993) Family Violence and People with a Mental Handicap. Ontario: Health Canada.

Pennsylvania Developmental Disabilities Planning Council Annual Retreat (1990) What Can We Count On To Make and Keep People Safe? Ed. John O'Brien, Connie Lyle O'Brien, & David B. Schwartz. Georgia: Responsive Systems Associates.

Province of Alberta (2000) Protection of Persons in Care Act. Alberta: Alberta Queen's Printer.

Persons with Developmental Disabilities, Alberta PDD Program (January 2000) Abuse Reporting and Investigation Protocol. Alberta: PDD Program.

Skills. (November 2001) Keeping People Safe: Training on Abuse Prevention and Reporting.
