

**COMMUNITY LIVING BRANT
POLICY AND PROCEDURE MANUAL**

SUBJECT: ABUSE	POLICY NO.: 8.19 PAGE 1 of 5
FILE UNDER SECTION: 8 - LOCATION	EFFECTIVE DATE: Feb. 3, 1997 REVISION DATE: November 2019

PURPOSE:

To promote safety and uphold the dignity and rights of people receiving and providing services at Community Living Brant.

To provide definitions of abuse, and outline the reporting requirements and investigation processes to be followed in respect to allegations of abuse.

POLICY:

Community Living Brant has zero tolerance for abuse, neglect, mistreatment and exploitation.

Every person has the right to be free from any form of abuse or behaviour which is, or may be construed as, abuse.

All incidents, allegations or suspicions of abuse or wilful neglect by Community Living Brant staff or others, will be taken seriously and must be reported immediately both verbally and in writing.

All incidents, allegations or suspicions of abuse or wilful neglect by Community Living Brant staff or others, will be investigated promptly and thoroughly; and prompt, appropriate follow-up action taken.

All staff, volunteers, and people receiving services will be oriented to procedures for preventing, identifying and reporting abuse. Education on abuse, neglect, mistreatment and exploitation will be offered at all levels.

PROCEDURES:

1.0 DEFINITIONS OF ABUSE

Abuse refers to any act or situation which may be physical, emotional, psychological, sexual and/or financial in nature which is unwarranted, demeans, harms, infringes on personal rights or dignity, neglects or places an individual at risk to personal health and safety (see "Indicators of Abuse" Appendix I). Abuse includes, but is not limited to, the following:

Physical Abuse

Physical abuse is an assault or the threat of an assault that causes or could cause physical injury or fear of physical injury. This may include but not be limited to biting, hitting, kicking, slapping, pinching, pushing, pulling, shoving, burning, improper or unwarranted restraint.

Sexual Abuse

Sexual abuse occurs when sexual activity is forced, coerced or is against a person's will; sexual exploitation. **Lack of consent is the defining feature. Sexual abuse is also the denial of a person's right to engage in consenting sexual behaviour.**

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Verbal Abuse

Verbal abuse is using words to hurt or demean another person or destroy self-esteem. This includes, but is not limited to; swearing at someone, name calling, use of derogatory or disrespectful language.

Emotional or Psychological Abuse

Emotional or psychological abuses are those actions that negatively affect the self-esteem or self-image of a person. This may include, but not be limited to, a persistent pattern of belittling, criticizing, and undermining; destruction of property; the withholding of normal social interaction/contact; threats.

Harrassment & Sexual Harrassment

Harrassment is any comment, conduct, or gesture that is insulting, intimidating, humiliating, malicious, degrading, offensive, or discriminatory directed toward an individual or group of individuals.

Sexual harassment is any comment or conduct of a sexual nature with the intent of causing offence or humiliation.

Neglect/Mistreatment

Acts of neglect or mistreatment are those that are disrespectful or demeaning to a person; punishment of a person by another and condoned or instigated by staff; requiring or forcing a person to assume an uncomfortable position, to repeat physical movements; deprivation of basic needs. **This also includes inaction that jeopardizes the health or safety of the person.**

Exploitation

Exploitation is practice of taking selfish or unfair advantage of a person or situation for personal gain. **It includes persuasion to do things that are illegal or not in the individual's best interest.**

It is the wrongful taking, use of, or exercising control over a person's property, resources, time or skills.

Financial Abuse

The denial of access to and control over a person's own funds and the misuse of their financial resources.

Human Trafficking

Human trafficking is defined as the recruitment, transportation, transfer, harboring, or receipt of persons by improper means (such as force, abduction, fraud, or coercion) for the purpose of exploitation. Human trafficking is a crime and human rights abuse. There are different types of human trafficking including sex trafficking and labour trafficking. Forced marriage is also considered a form of human trafficking. Traffickers control people in many ways, including psychological manipulation, emotional abuse, lies, addiction, threats, violence, isolation, and taking control of ID/documents and money.

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2.0 IMMEDIATE RESPONSE

- 2.1 When there are reasonable grounds to suspect abuse has taken place, the abused victim shall be immediately protected and provided with appropriate supports (i.e. ensure safety, provide medical care).
 - 2.2 Where the alleged abuser and the alleged victim are both in receipt of services and to ensure safety and security, it may be necessary to keep the alleged abuser and alleged victim separate from one another until a plan can be developed to best support those involved.
 - 2.3 When the alleged, suspected, or witnessed incident of abuse may constitute a criminal offence staff must immediately contact police.
 - 2.4 Staff will document the information exactly as the information was provided by the person. Do not edit, correct or censor any of the words.
 - 2.5 Staff will notify a Supervisor of the alleged, suspected, or witnessed incident of abuse.
 - 2.6 Where the alleged abuser is an employee, he/she will be asked to leave the premises both for their protection and the protection of people they support.
 - 2.7 The Supervisor will contact a Director and further direction will be provided.
- Note: If staff are unsure if the alleged, suspected, or witnessed incident of abuse constitutes a criminal offence staff will contact a Supervisor for further direction.

3.0 SUPPORT TO PERSON RECEIVING SERVICES

- 3.1 Care shall be taken to ensure that each person (alleged abuser or alleged victim) receives the appropriate support, supervision and access to other professional resources, i.e. legal, medical, psychological, advocacy, etc., in a timely and respectful manner.
- 3.2 A person whom the victim trusts shall be assigned to support him/her where requested or deemed necessary.
- 3.3 A person whom the alleged abuser trusts shall be assigned to support him/her where requested or deemed necessary.

4.0 REPORTING REQUIREMENTS

- 4.1 Any person, while in the course of his or her professional or official duties, has reasonable grounds to suspect that a person has, or may have, suffered abuse must immediately report that suspicion to a Supervisor.

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- 4.1.1 This requirement takes precedence over all other relationships and reflects the intent of both Criminal and Human Rights legislation with respect to protection from abuse.
- 4.1.2 Failure to report may result in discipline up to and including termination of employment.
- 4.1.3 Required reporting and documentation shall be in accordance with the procedures as outlined in the Serious Occurrence Policy and Procedure 8.3.

5.0 NOTIFICATION

- 5.1 Community Living Brant, with consent from the person, will notify family members or other people as requested by the person of the alleged, suspected or witnessed incident of abuse.
 - 5.1.1. In circumstances where the person who is the alleged victim has a public trustee or other legal guardian, Community Living Brant shall notify the public trustee or legal guardian of the alleged incident.

6.0 INVESTIGATION

- 6.1 Community Living Brant will ensure that the rights and dignity of the alleged abuser are respected and safeguarded.
 - 6.1.1 Community Living Brant will ensure that the alleged abuser is aware of his/her rights to due process.
- 6.2 Where abuse by staff is alleged, the staff will be subject to a non-disciplinary suspension with pay and benefits during the period of the investigation.
- 6.3 If the alleged, suspected or witnessed incident of abuse may constitute a criminal offence, Community Living Brant shall respond immediately and report the incident to the police.
 - 6.3.1. In situations where the alleged abuse results in a police investigation, Community Living Brant will not initiate an internal investigation before the police have completed their investigation.

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7.0 CONSEQUENCES

- 7.1 Situations of abuse by employees, caregivers, students or volunteers will be cause for disciplinary action up to and including termination of employment and/or cancellation of contracts or other arrangements.
- 7.2 Situations of abuse by a person receiving services toward another person in service will be dealt with on a situational basis with intent being the defining factor.
 - 7.2.1. Where the abuse and the alleged victim are both in service, care will be taken that each receives the appropriate support. To ensure safety and security, it may become necessary to move the person elsewhere.

8.0 TRAINING AND EDUCATION

- 8.1. Staff members and volunteers will receive training on abuse prevention, identification and reporting.
 - 8.1.1 An annual review of abuse prevention, identification and reporting will be completed.
- 8.2 All members of the Board of Directors will receive an orientation on the Agency's policies and procedures on abuse prevention, identification and reporting.
 - 8.2.1 An annual review of abuse prevention, identification and reporting will be completed.
- 8.3. People who receive service will be offered education and training on abuse prevention, identification and reporting in a manner that is appropriate for the person.
 - 8.3.1. An annual review of abuse prevention, identification and reporting will be offered.

Appendix I - Indicators of Abuse

Appendix II - Factors to Reduce the Risk of Abuse

Appendix III – Considerations in Situations of Sexual Assault