

<b>ABUSE</b>			
Section	Clinical	Policy Owner(s): Director, Service Excellence	
Authorized by	Board	Most Recent Review Date	April 9, 2024
		Archive Versions	Mar 2023; Mar 2022; Mar 2021; Mar 2020; Mar 2019; Mar 2018; Sept 2017
Applies To	All Staff, Students		
Reference:	O. Reg. 299/10 1(3)(a), O. Reg. 299/10 8(1)(2-3), O. Reg. 299/10 9(1-2)	Page 1 of 16	

**Policy:**

Aptus Treatment Centre provides a safe and respectful environment for people receiving services and staff. Aptus Treatment Centre adheres to all requirements under the Social Inclusion Act (2008) and Policy Directives for Service Agencies in order to protect and safeguard people receiving services and staff.

**Procedure:**

Aptus Treatment Centre is committed to providing a safe, nurturing and respectful environment for the staff and the people we support. These policies and procedures are in compliance with Regulation 299/10 of the Social Inclusion Act (2008). Abuse, neglect and exploitation will not be tolerated under any circumstances or to any degree. This policy includes definitions of abuse, training requirements, identification and prevention of abuse and required reporting protocols for all employees/agents.

Aptus Treatment Centre recognizes that anyone can perpetrate abuse. This may include, but may not be limited to, employees of the organization, volunteers, students, members of the community, other service providers, family/natural supports, and other recipients of services.

Aptus Treatment Centre will ensure to offer supports and education as appropriate so that other organizations, service agencies and professionals who come into contact with the people we support are aware of their role in safeguarding people against abuse, neglect and exploitation.

Vulnerable Persons Screening will be required for all employees, board members, volunteers, students and other agents providing supports. The organization is unable to offer employment/placement to any applicant with a criminal charge of violence, abuse, neglect or exploitation.

Aptus Treatment Centre has established relationships with agencies in the community to assist in these matters, including the York Regional Police Department and Toronto Police Services. Police have the primary responsibility for the criminal investigation of abuse and the Office of the Crown Attorney has responsibility for the criminal prosecution of abuse offenders. The Police and/or

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Children's Aid Society are the only authorized bodies to conduct a criminal investigation of an allegation of abuse if the alleged victim is a child (i.e. eighteen years of age or younger). This policy and these procedures reflect the spirit of inter-agency cooperation that will provide efficient and effective service to the community.

There may be people supported by Aptus Treatment Centre who, as a result of personal experiences, may demonstrate disruptive/responsive and, at times, "abusive" behaviour. The reporting procedures in this policy do not apply to people who receive services where the behaviour is considered to be responsive and/or reactive, in the moment, unless the behaviour results in significant physical/sexual trauma to the alleged victim or unless intent to cause harm can be proven.

Aptus Treatment Centre is committed to protecting the safety, security, and dignity of its employees/volunteers/agents, as well as the people we support. To this end, Aptus Treatment Centre will provide the necessary information and training to minimize risk to people receiving service and employees, volunteers, students, other agents and Aptus Treatment Centre Board Members.

**DEFINITIONS OF ABUSE:**

For the purposes of this policy, abuse is defined as an action or a behavior that causes or is likely to cause physical injury or psychological harm to a person or results or is likely to result in significant loss or destruction of their property, including neglect.

Abuse can be an action that is deemed to be a criminal offence or it may be an action that still may be abusive but not criminal.

**Abuse includes the following:**

**Physical Abuse:** Acts of assault or threats of assault (physical harm).

Examples of Physical Abuse include but are not limited to, hitting, slapping, shoving, pushing, spanking, pinching and burning that cause or could cause physical injury or fear of physical injury;

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inappropriate handling and/or inappropriate use and/or unauthorized use of a physical restraint; deliberate exposure to extreme weather conditions; misuse of prescription medications, including overmedicating; or using these medications as a chemical restraint or psychotropic medication for any purpose not ordered by a physician.

**Threat:** Expression of an intention to cause harm or pain.

Examples of Threats include but are not limited to, physical threats (pointing of fingers), verbal threats (if you don't do what I say I will hit you)

**Sexual Abuse:** Is the unwanted touching of person's sexual body part. The lack of consent is the defining feature; that is it against a person's will and without his/her consent. Due to the perceived position of power, there can never be consent between the person being supported and their service provider/caregiver. Sexual abuse also includes the denial of a person to be engaged in a consensual sexual behavior.

Sexual harassment is the use of any comments, conduct or gestures of a sexual nature undertaken with the intent of causing offence or humiliation.

Examples of Sexual Abuse include but are not limited to, ignoring the sexual objections of another person; causing another person's intoxication or impairment through the use of drugs or alcohol for the purposes of gaining sexual gratification; taking advantage of another person's state of intimidation, helplessness, vulnerability, as well as the inability to consent to a sexual relationship; unwanted kissing or forcing someone to kiss another person; touching of intimate or sexual parts directly or through clothing, unwanted displays of sexual parts; sexual intercourse or other genital, oral or anal penetration by alleged offender's body part or an object manipulated by the alleged offender; forcing/coercing\* a person to masturbate; or removing or attempting to remove a person's clothing without his/her consent.

**Coercion:** Is the use of power, threats, promises and/or intimidation to force another person to do something that they would otherwise not want to do/engage in.

Examples of Coercion include but are not limited to, constantly putting pressure on someone

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(pleading, repeatedly asking); making someone feel guilty (if you really care about me, you will), threatening to withhold information or do something (I will break up with you...); making false promises (if you do this, I won't ask for anything else); or implied threats (blocking the path to the door, use of physical size)

**Neglect:** Is the failure to provide the necessities of life such as food, clothing, shelter, care or supervision. It is an act of omission. Neglect can be intentional whereby the perpetrator is deliberately withholding care; or it can be unintentional/passive whereby the perpetrator fails to offer supports/care as a result of lack of knowledge, experience or ability on the part of the person providing the support.

Examples of Neglect, intentional or unintentional include but are not limited to failure to provide medical care or other professional expertise on behalf of a person who may displaying signs of anxiety, depression, mania or other ongoing emotional distress; failure to provide protection, shelter and clothing; person having insufficient food and/or water; person left alone without support for a period of time; living in unsanitary conditions; being lonely; isolation from family/friend; solitary confinement; inappropriate response times to a person's basic needs; misusing mechanical lifts; or failing to treat recurring bedsores that are preventable.

**Exploitation:** Is taking advantage of a person's disability to trick or manipulate for personal benefit. It is persuading the person to do things that are illegal or not in the person's best interest. Exploitation happens when someone exercises control over another person; their property; their resources; their relationships; their time; or their skills for his/her own benefit. Examples of Exploitation include but are not limited to a support staff conducting person errands while they are scheduled to be supporting someone such as the staff buying their own groceries, or paying their personal bills.

**Emotional/Psychological Abuse:** Is the misuse of power to cause a person to lose respect for self. It is an action that negatively affects a person's self-esteem, self-image, dignity, work and overall wellbeing.

Examples of Emotional/Psychological include but are not limited to constant criticism, insulting, degrading, humiliating, intimidating or terrorizing of a person; ignoring a person; harassing or

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bullying a person; instilling fear; disapproving what a person says

...or does without being respectful; threatening to take away something that the person values if they do not cooperate; or denial of information, privacy, and rights to practice one's religion.

**Mistreatment:** Is when a person is being treated wrongly or badly by another person. This is also considered to be emotional/psychological abuse.

Examples of Mistreatment include but are not limited to ridiculing a person.

**Financial Abuse:** Is the misuse or misappropriation of someone's financial assets for personal gain. It is impossible to "borrow" money from someone who is under your care as the power imbalance makes it difficult for the person supported to simply say 'no'.

Examples of Financial Abuse include but are not limited to theft, misuse or mishandling of a person's money/property/possessions; a person being forced to change his will/power of attorney; a person's cheques cashed without the person's permission; forging signatures; or money being used for purposed other than those intended by the person.

**Verbal Abuse:** Is any communication towards a person that may be perceived by that person to be demeaning, suggestive, exploitive, insulting, derogatory or humiliating to him/her.

Examples of Verbal Abuse include but are not limited to sarcasm, swearing, racial slurs, teasing, banter, name calling, insults, disrespectful language and inappropriate tone of voice.

### **GENERAL INFORMATION ON DISCLOSURE, IDENTIFICATON AND PREVENTION OF ABUSE:**

Disclosure of any kind of abuse can be difficult for the person disclosing as well as the person he/she is sharing this information with.

All employees have a responsibility to listen attentively and offer support. If it becomes apparent that there is reasonable suspicion that the disclosed abuse may be criminal in nature, stop the

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discussion, support the person and contact the on-call emergency person and/or police immediately. Refer to Appendix A for guidelines.

Any employee/agent suspecting abuse should look for direct evidence, which may include, but may not be limited to:

- Bruising
- Torn clothing;
- Bleeding.
- Certain areas of bruising are highly suspicious, as well as repeat bruising or injuries on a person that is physically unable to move independently themselves. Areas of suspicious bruising include, but are not limited to:
  - Inner thighs; back of legs;
  - Eyes;
  - Upper arms; upper back.

Reasonable Suspicions of abuse must be reported to the police.

**REASONABLE SUSPICION of abuse includes:**

- Tangible, documented evidence (i.e. bruising, bleeding etc.) that cannot be otherwise explained;
- A documented, significant change in the person’s behavior;
- Tangible evidence that financial abuse is taking place.

The on call emergency person will provide support and guidance to the employee/agent reporting the alleged abuse.

**DUTY TO REPORT:**

Failure to respond in accordance with policy when an employee/agent becomes aware of an incident of alleged abuse involving a person receiving support could lead to civil liability on the witness’ part and on the part of the agency. Anyone who does or omits to do anything for the purpose of aiding anyone to commit a criminal offence may be charged with the offence.

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If a person over the age of 18 alleges abuse which occurred in the past before receiving services from APTUS TREATMENT CENTRE, it is his/her decision whether or not to report abuse to external authorities. The decision to report, or not report to authorities must, as much as possible, be an informed decision, with every effort being made to help the alleged victim.

#### **PROCEDURES - WHAT TO DO:**

#### **IN THE CASE OF A WITNESSED OR ALLEGED ABUSE, WHERE THERE IS IMMEDIATE RISK, (e.g. physical or sexual) OR PERCEIVED IMMEDIATE RISK TO A PERSON RECEIVING SERVICES:**

##### **The EMPLOYEE MUST:**

- Intervene to ensure the health, safety and wellbeing of the person.
- Separate people, if required, to ensure that they are safe.
- Contact the Police.
- Activate the "ON CALL EMERGENCY SYSTEM" to report.
- The ON CALL EMERGENCY PERSON will notify the CEO/President/Designate and implement Serious Occurrence protocols.
- Cooperate with the Police.
- Contact the alleged victim's family if consent is provided by the person or, where appropriate, contact the person who is acting on behalf individual, unless otherwise directed by the police or unless the alleged perpetrator is family/person acting on behalf of the individual;
- Complete a written incident report as soon as possible and forward to Supervisor/Manager/Director.

Where the incident involves an injury and/or is of a sexual nature, clothing and other articles involved in the occurrence may provide evidence to police investigators. An alleged victim of physical/sexual abuse may require expert medical examination. APTUS TREATMENT CENTRE employees/agents must remain mindful of these issues, refrain from unnecessarily disturbing potential crime scenes and contact police before unnecessarily altering/disposing of potential evidence.

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**IN THE CASE OF SUSPECTED/ALLEGED ABUSE WHERE THERE IS NO IMMEDIATE RISK TO THE PERSON’S WELL-BEING (E.G., PHYSICAL, SEXUAL).**

This may include, but not be limited to, financial abuse.

**The EMPLOYEE MUST:**

- Support the person to ensure s/he feels safe.
- Contact the Police if there is reasonable suspicion that abuse has occurred AND/OR Activate the ON Call Emergency System. The respondent can assist in the determination of reasonable suspicion.
- Contact the alleged victim’s family if consent is provided by the person or, where appropriate, contact the person who is acting on behalf individual, unless otherwise directed by the police or unless the alleged perpetrator is family/person acting on behalf of the individual;
- Complete a written incident report as soon as possible and forward to Supervisor/Manager/Director.

If at any time police indicate that there is no reasonable suspicion that abuse has occurred to warrant a criminal investigation, Aptus Treatment Centre will implement internal investigation procedures, unless otherwise directed by police.

**ADDITIONAL CONSIDERATIONS:**

When a disclosure has been made and/or an incident has been witnessed where a person receiving services has been allegedly abused, DO NOT initiate an interview. DO NOT discuss the incident with the person beyond a general discussion of the person’s current welfare. REFER TO APPENDIX A FOR GUIDELINES.

Police services may request the attendance of a APTUS TREATMENT CENTRE employee/agent at a scene and/or the police station. When being questioned by the police, employees/volunteers/students/other agents of APTUS TREATMENT CENTRE must ensure that responses are directly related to the incident that is being investigated.



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All employees/volunteers/students/agents of Aptus Treatment Centre will be courteous and professional during the investigation of abuse.

As advocates of people who have intellectual disabilities, employees/agents of APTUS TREATMENT CENTRE will share their knowledge of the person's level of ability and communication skills to assist police in their investigation, as appropriate.

Employees/agents of APTUS TREATMENT CENTRE may be required to provide liaison between the person receiving services and the police.

If the person receiving services does not appear to have the capacity to provide consent, family or the person/party who is acting on behalf of the individual will be informed of the alleged incident, unless otherwise directed by the police.

If the alleged perpetrator is a family member or the person who is acting on behalf of the individual, follow direction of police around notification of the incident.

**ONCE POLICE HAVE PROVIDED RECOMMENDATIONS/COMPLETED AN INVESTIGATION, APTUS TREATMENT CENTRE MUST:**

Follow the recommendations as identified by the police.  
This may include implementing internal investigation procedures. If an internal investigation is recommended, the process will be determined by the CEO/President/Designate, unless it is otherwise outlined by the police.

**INTERNAL INVESTIGATION PROCEDURES:  
The CEO/President/Designate will:**

- Designate an investigation team. This may include the On Call Emergency Person/Team Supervisor/Community Support Coordinator etc.
- Ensure that the investigation team initiates the internal investigation within a reasonable time frame following the police investigation/recommendations.
- Ensure that all follow up is documented in the written incident report and forwarded to

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Supervisor/Manager/Director.

- Oversee and/or be informed on all aspects of the investigation.
- Ensure all Serious Occurrence protocols are implemented as required.

**For incidents where the alleged offender is a person receiving services from Aptus Treatment Centre, the investigation team (On Call Emergency Person/manager/director etc.) will:**

- Determine the level of response required, which may include:
- Ensuring that response by staff was consistent with protocols and/or Behavior Support (BSP)\* plans if applicable;
- Determining whether further investigation is warranted given BSP\* protocols if applicable.
- Adhere to proper channels of communication, ensuring that the CEO/President/designate is informed as required.
- Ensure that incidents are documented on an incident report and forwarded to Supervisor/Manager/Director for tracking.
- Ensure that the alleged victim may be supported in being separated from the alleged offender pending the outcome of the investigation.
- Arrangements for appropriate supports to the alleged offender may be required (e.g., supports from family) that will not further place the person or other people receiving services into a vulnerable situation. The alleged offender will be offered ongoing, necessary external supports (e.g., legal, medical, psychiatric, psychological, other services providers etc.) by Aptus Treatment Centre.
- Ensure that supports (e.g., legal, medical, psychiatric, psychological, other service providers etc.) are in place to support the alleged victim.

**\*Where there is a Behaviour Support Plan (BSP) in place (alleged offender and/or alleged victim), the investigation team will:**

- Ensure that response by staff was consistent with the BSP plan for the person supported.
- Ensure that any internal investigation processes do not contradict the person's BSP plan.
- Ensure that considerations are made to identify who would be the most appropriate people (e.g., Supervisor, Manager, Director etc.) to initiate and conduct the investigation given the

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BSP plan or given the potential to escalate the existing incident.

- Ensure that, if a BSP plan is NOT in place to support a person with challenging behavior that may be abusive to other people receiving services, a request is made for additional supports, including, but not limited to, BSP planning, counseling and/or anger management to respond to the person's challenging behavior.

**For incidents where the alleged offender is an employee/volunteer/student/other agent of Aptus Treatment Centre, the investigation team (On Call Emergency Person/Team Supervisor/Community Support Coordinator etc.) will:**

- Support that person to leave Aptus Treatment Centre property for the duration of the investigation. The alleged offender must not have access to the alleged victim or any other person supported by APTUS TREATMENT CENTRE until the investigation is complete and/or a plan of action is implemented if required.
- Where police have been involved in an investigation, it is likely that the person has already been directed to leave all APTUS TREATMENT CENTRE property. The person will be notified that an internal investigation is underway and that it is the expectation of the agency that the person will not contact agency personnel (e.g., co-workers) nor arrive on agency property until otherwise directed.
- The person will be suspended from duty with pay, pending the investigation.

**Follow up Required for all Allegations that are Investigated Internally:  
If the allegation is unsubstantiated, the CEO/President/Designate will:**

- Reinstate the employee, volunteer/agent if applicable;
- Instruct the Supervisor/Manager/Director to facilitate the employee's/agent's re- entry to his/her position;
- Notify all people concerned of the conclusion and outcome of the investigation, as appropriate.

**If the allegation is substantiated, the CEO/President/Designate will:**

- Notify all people concerned of the conclusion and outcome of the investigation, as appropriate;
- Ensure that the person who was abused is advised of and assisted with his/her right to access

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specialized internal/external supports (counselling, advocacy, legal assistance). If the offender is a person receiving services, ensure that he/she has access to specialized internal/external supports (counselling, advocacy, legal assistance, behaviour management services, anger management etc.)

Aptus Treatment Centre will impose disciplinary action, up to and including termination of employment and/or volunteer services.

#### **TRAINING AND REVIEW:**

Aptus Treatment Centre’s Board of Directors will annually receive training on abuse prevention, identification and reporting. This Abuse Policy will also be reviewed annually by the Board, who will make recommendations and implement changes as necessary in order to promote a zero tolerance for abuse.

All Board members will receive training upon commencement of their term, as well as annual training and review; all training must be documented.

All employees/agents will receive training on abuse prevention, identification and reporting upon commencement of employment, and annually thereafter. The initial training, as well as the training annually thereafter, must be documented in the employees personnel file.

Each person receiving supports will receive training on abuse prevention and awareness building information, including this policy, in plain language. This training will be done, upon the start of receiving services and annually thereafter.

All employees/volunteers and students will be thoroughly trained and debriefed prior to supporting people who have demonstrated a consistent pattern of “responsive” behaviour. Aptus Treatment Centre provides services to people who, as a result of personal experiences, may demonstrate disruptive and, at times, aggressive responsive behaviour. Aggressive responsive behaviours are those where there is no intent to cause harm; there is an underlying physiological/psychiatric condition and/or resulting from difficulty communicating a need.

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All employees, volunteers and students, including On Call Emergency employees, will be thoroughly trained and debriefed prior to supporting people who have specific protocols and/or Behaviour Support plans that relate to the pattern of behaviours around false abuse allegations. York Regional Police/other police services and/or Children's Aid Society will be notified of this potential, or other high risk scenarios related to a person receiving services, through submission and update of the Vulnerable Person's Registry.

All employees/agents providing direct support to individuals in service will be trained in non-violent crisis intervention techniques, as per the Ministry of Community and Social Services/Ministry of Children and Youth Services mandatory requirements.

### **Documentation for All Incidents:**

An initial written incident report will be completed by the employee/agent reporting the allegation of abuse based on the immediate information available.

If more than one employee/agent is reporting an allegation, each employee/agent will independently complete a separate, written incident report.

Any written incident reports must contain exact wording from the person reporting the alleged abuse.

Written incident reports must be forwarded to the designated personnel for monitoring/tracking purposes.

The CEO/President/designate will follow Serious Occurrence protocols for the reporting of the incident to the Ministry of Community and Social Services.

### **Guarantee from Recourse**

If a person suspects and reports alleged abuse and is advised not to submit the report, then that employee/agent is legally and morally bound to continue the reporting process.

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At any time, from the time of the alleged incident, the witness/observer may also contact the appropriate external authorities to report the alleged incident if this has not occurred.

Any person, who follows the dictates of his/her conscience and reports abuse, will not suffer recourse. This person will not suffer loss of job, decrease in salary, changes in working conditions, loss of volunteer position, or psychological pressures as a result of such reporting.

### Confidentiality

Suspected cases of abuse are confidential and any information related to alleged abuse incidents will be restricted to people directly involved in the incident. These people include, but are not limited to: employees/agents who directly support the alleged victim and alleged offender, on call emergency person, and any person contacted in the channels of communication.

When external authorities are involved, any employee/agent involved in an external investigation will be required to comply with the law.

### Annual Reporting

In compliance with Regulations 299/10 of the Social Inclusion Act, Supervisor/Manager/Director will prepare a report that includes a review of the incidents of abuse reporting, follow up and effectiveness.

### Media

The CEO/President/designate will be the media contact. Under no circumstances will information be provided to the media “off the record”. Unless a criminal conviction has been determined by the court, the term “alleged” is to be used when referring to the alleged offender and alleged victim in any statement to the media.

### Appendix A

Do's and Don'ts if someone discloses possible abuse....

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### DO

- Stay calm and control your expression as well as your voice - don't over-react;
- Listen attentively;
- Allow the person to speak at their own pace and use the form of communication that they are most comfortable with;
- Respect the confidentiality of the disclosure;
- Document the conversation that you have had remembering as accurately as you can the words and phrases used by the person to describe what has happened to them;
- Ask open ended questions.

### Examples of Open-Ended Questions are:

- "What happened?"
- "What happened next?"
- "Can you tell me more?"
- "Have you told anyone else about this?"
- "Where did this happen?"
- "When did this happen?"
- "Where does it hurt?"
- "What do you mean by 'he hurt you'?"

### DON'T

- Don't demand details – you are not investigating the allegation;
- Don't promise to keep the information secret;
- Do not share the information with anyone other than the appropriate personnel within Aptus Treatment Centre or the police
- Don't ask leading questions:

### Examples of Leading Questions are:

- "Did he/she take his/her/your shirt off?"

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Reference:	O. Reg. 299/10 1(3)(a), O. Reg. 299/10 8(1)(2-3), O. Reg. 299/10 9(1-2)		Page <b>16</b> of <b>16</b>

- “Did this happen in the bathroom?”
- “Did this happen last night?”
- “Did she/he tell you to ...?”
- “Did he/she hit/scream at...you?”
- “Did he/she touch you’re ...?”

Avoid going over the information time and time again – you are only gathering information to help you form a belief on reasonable grounds to determine whether or not you need to report this.

Once you have established that the person has been harmed or are at risk of being harmed, do not pursue the conversation any further. This is important to ensure that questions cannot be raised later about possible manipulation of the disclosure.