



L'Arche Ontario Policy

Policy Type: Service Delivery

Policy Number: SD-A1

Policy Area: Abuse Prevention & Reporting - A

Policy Approval Date: December 13, 2011

Policy Title: Abuse - Zero Tolerance

Reviewed & Reapproved: July 2, 2018

L'Arche affirms that all persons with and without an intellectual disability have a right to feel and be safe in their communities, free from all forms of abuse. All personnel and members of L'Arche are committed to this principle. Abuse, in any form, will not be tolerated.

Definitions (as per Regulation 299/10)

“Abuse” means action or behaviour that causes, or is likely to cause, physical injury or psychological harm, or both, to a person with an intellectual disability, or results, or is likely to result in, significant loss or destruction of their property, and includes neglect.

This definition of abuse includes:

“physical abuse” meaning an assault or a threat of an assault that causes or could cause actual physical injury or fear of physical injury;

“sexual abuse” meaning the unwanted touching of a person’s sexual body parts. Lack of consent is the defining feature. It is impossible for there to be consent between a person with an intellectual disability and their care provider. Sexual abuse can also mean the denial of the right of a person with an intellectual disability to engage in consenting sexual behaviour;

“emotional abuse” meaning the misuse of power, in any way, that causes the person with an intellectual disability to lose respect for themselves;

“psychological abuse” meaning the constant criticism, insulting, threatening, degradation, humiliation, or intimidation of a person with an intellectual disability. Psychological abuse can also include the demeaning of one’s faith or beliefs or the imposition of another’s faith on the individual;

“verbal abuse” meaning the negative verbal depiction of a person with an intellectual disability or the use of demeaning language and/or name calling;

“financial abuse” meaning the misuse, misappropriation or restriction of the assets of a person with an intellectual disability;

“neglect” meaning the failure to provide the person with an intellectual disability with the support and assistance that is required for their health, safety or well-being and includes inaction or a pattern of inaction that jeopardizes the health or safety of the person;

“exploitation” meaning the manipulation of the person with an intellectual disability to cause the person to do something illegal or not in their best interests;

“harassment” meaning the use of comments or gestures directed towards the person with an intellectual disability that are insulting, intimidating, humiliating, malicious, degrading, offensive or discriminatory;

“sexual harassment” meaning the use of any comments or conduct of a sexual nature with the intent of causing offence or humiliation.

Procedures

Orientation, Training and Education

L’Arche will provide annual training on the abuse policy and procedures for the Board. Completion of the annual training will be documented. The policy will be reviewed on an annual basis.

L’Arche will provide training on the abuse policy and procedures for all personnel and volunteers who have direct contact with individuals with an intellectual disability. Successful completion of the training will be documented.

L’Arche will provide an annual educational program for all individuals with an intellectual disability on issues of abuse awareness and prevention. The language and tools used in the educational program will be appropriate to the individual’s learning capacity and style. Completion of the annual educational program will be documented.

L’Arche will provide copies of the Abuse Prevention and Reporting policy to all substitute decision makers.

Response to abuse allegations

If any personnel or volunteer is a witness to the abuse or alleged abuse of a person with an intellectual disability, they must immediately intervene, stop the abuse, provide medical attention if needed and support the person. Failure to report instances of abuse or alleged abuse will be cause for disciplinary action up to and including termination.

All allegations and/or suspicions of abuse that are not criminal in nature must be reported to the Community Leader/designate and documented on the appropriate form. Any personnel or volunteer who observes an incident of abuse, is the recipient of information from a third party, or is disclosed to directly, must follow the proper community procedures for reporting abuse.

If any personnel or a volunteer has reasonable grounds to believe that the alleged, witnessed or suspected abuse may constitute a criminal offense, the police must be contacted immediately.

If the reporting /disclosure by the person with an intellectual disability is vague or unclear, some clarity may be sought by trained personnel. However, as soon as the individual provides enough information that indicates the alleged abuse may be of a criminal nature, all discussions should cease and the police should be called immediately.

The person with the developmental disability may choose to contact the police directly if they are capable of doing so, but any abuse that may constitute a criminal offense must be immediately reported to the police with or without the individual’s consent.

Neither the person with the developmental disability, nor the witness to the alleged abuse, should speak to others about the incident until the investigation is complete. Any evidence of the alleged abuse should not be disturbed until the investigation is complete.

The person with the development disability will be supported by the Community Leader/designate throughout the police investigation as per the agreed protocol with the police.

A written report of the incident shall be completed within twenty-four (24) hours on the MCSS Serious Occurrence Reporting Form.

After the legal authorities have been apprised of the alleged abuse, and if the individual with the developmental disability has the capacity, he/she must provide consent before others are contacted (i.e. family, other support and service providers, etc.).

If the person with an intellectual disability has a substitute decision maker, and the substitute decision maker is not court-ordered, consent from the person, if the person is capable of providing consent, is required before anyone is informed.

In the event that the person acting on behalf of the individual with the developmental disability is court-ordered, consent is not required and the Community Leader/designate will inform the court-ordered guardian as soon as legally possible.

Provision of care for the person with an intellectual disability who has allegedly been abused

Following the immediate response to the abuse allegation, L'Arche personnel will maintain confidentiality and respect for the person's privacy and provide support for the person by assigning a trusted individual to stay with them.

The Community Leader/designate will facilitate communication between the person and the criminal justice system if required or requested by the individual or their substitute decision maker, and ensure that the individual receives counselling or therapy as needed.

The Community Leader/designate will explain, to the extent possible, the process of reporting and investigation to the alleged victim.

Protocol for dealing with the alleged abuser

The Community Leader/designate will immediately remove the alleged abuser from the home/work place/ situation and ensure that there is no contact between the alleged abuser and the alleged victim.

L'Arche will maintain the alleged abuser's financial and benefit status until the investigation is complete. Individuals involved in the abuse investigation/incident will maintain confidentiality and respect for the alleged abuser's privacy as far as the law permits. Zero tolerance of all forms of abuse is the standard for L'Arche and disciplinary action, up to and including dismissal, will be implemented.

Review of Policies and Procedures

Because L'Arche has a zero tolerance for abuse of any form, there will be an annual review of all policies and procedures dealing with abuse and a written report will be provided to the Board. Should changes to the policies be required after the review, they will be approved and implemented immediately.