



L'Arche Canada Abuse Prevention and Reporting Policy

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| Policy Type: | Human Resources | Policy Number: | | Approval Body: | Board |
| Policy Area: | Abuse Prevention | Approval Date: | June 18, 2020 | Original Language: | English |
| Policy Title: | Abuse Prevention and Reporting | Policy Review Date: | | Translator's Initials: | |

L'Arche Canada affirms that all persons 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. L'Arche Canada has zero tolerance for any form of abuse by any person toward anyone else. All personnel are required to report abuse if they become aware of it. Failure to report an incident of abuse may result in disciplinary action. L'Arche will respect the wishes of victims of abuse. All allegations of abuse will be taken seriously and followed-up on immediately.

Because the protection of vulnerable individuals is fundamental to the mission of L'Arche, the following policy primarily refers to abuse towards persons with intellectual disabilities. Situations concerning allegation of abuse or harassment between personnel are covered in the L'Arche Canada Workplace Violence and Harassment Policy. Communities may also need to refer to local policies and provincial regulations concerning behavioural and/or individual support plans for individuals with intellectual disabilities.

DEFINITIONS

"Abuse": 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. As a general principle, abuse is the misuse of power to harm someone or a situation in which a more powerful person takes advantage of a less powerful one.

This definition of abuse includes:

"physical abuse/assault": Is any physical force or threat of physical force to create fear and control another person. Some examples include: hitting, blocking, shoving, choking, slapping, strangling, shaking, pulling, scratching, punching, pinching, biting, or pulling hair; "caring" for the victim in an abusive way, threats of violence, unauthorized use of restraints, and using a weapon or other objects to threaten, hurt or kill.

"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. Examples include but are not limited to: kissing or forcing/coercing the person into kissing; touching the person's body with or without clothes on; forcing/coercing the person to masturbate; sexual intercourse (anal or vaginal), penetrating with an object; causing bodily harm; removing or attempting to remove clothing; taking advantage of a position, trust or authority to get sex; and threatening to harm someone else if the person does not agree to do any of these things;

"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, including but not limited to voyeurism, cybersex and exhibitionism;

“pharmacological abuse” The administration, withholding or prescribing of medication for an inappropriate purpose that leads to serious bodily harm, harm to mental health, or has a serious impact on mood or behaviour.

“inappropriate use of restrictive procedures” An act that restricts the rights, freedoms, choices or self-determination of an individual that is not part of an individual’s behaviour support plan, is not used to promote the immediate safety of the individual or is judged to be excessive with respect to ensuring the individual’s safety in a particular circumstance. Includes the use of excessive chemical restraints.

PROCEDURES

A. Orientation, Training and Education

- L’Arche Canada and L’Arche Canada communities will provide annual training on the abuse policy and procedures for respective Boards. Completion of the annual training will be documented.
- L’Arche Canada and L’Arche Canada communities will provide training on the abuse policy and procedures for all personnel and volunteers who have direct contact with individuals with an intellectual disability.
- L’Arche Canada and L’Arche Canada communities will document an annual review and sign off (Appendix A) of the Abuse Prevention and Reporting policy.
- L’Arche Canada communities 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 Canada communities must utilize training that meets provincial standards. Where this training does not exist, L'Arche Canada must approve the training being used in communities to ensure it meets L'Arche Canada's standards.
- L'Arche Canada and all L'Arche Canada communities must have hiring policies which include reference checks and vulnerable sector screening.
- L'Arche Canada and its communities will provide copies of the Abuse Prevention and Reporting policy to all substitute decision makers and post it on their local website.
- L'Arche Canada will provide an on-line platform by which reporting an abuse, either current or historical, can be submitted through the national website. Any reports submitted in this way will be followed-up on by the report recipients and National Human Resources Coordinator, following the L'Arche Canada Website Reporting Protocol (Appendix B).

B. Response/Inquiry/Reporting of abuse allegations guidelines

- Given the various reporting requirements in individual provinces, to the extent that it is legal, L'Arche will respect the wishes of victims of abuse.
- Communities must follow the reporting processes set out by their provincial licensing body/regulator. What follows are response, inquiry, and reporting guidelines.
- 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 case for disciplinary action up to and including termination.
- If any personnel or a volunteer has reasonable grounds to believe that the alleged, witnessed or suspected abuse is against the law, they must contact the Community Leader/designate immediately. In some regions the police must be contacted immediately.
- All allegations and/or suspicions of abuse that are not against the law must be reported to the Community Leader/designate and documented. 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 procedures for reporting abuse.
- The Community Leader/Executive Director or designate appoints two people from the L'Arche community to carry out the inquiry if appropriate to the incident. In many provinces inquiries around reportable incidents must be conducted by an external body such as the Ministry and or the police. The Board Chair and Regional Leader are notified of the inquiry immediately. The purpose of the inquiry is to gain accurate information regarding the incident. Value judgments are not made. All inquiries respect confidentiality; however, in instances of abuse the principle of responsible caring may, of necessity, supersede the issue of confidentiality.
- If the reporting /disclosure by the person with an intellectual disability is vague or unclear, some clarity may be sought by a person who understands the individual's communication, internal or external to the community, and uninvolved in the allegation. However, as soon as the individual provides enough information that indicates abuse of a criminal nature may have taken place, all discussions should cease, and the police and the Ministry should be called immediately.
- The person with the intellectual disability may choose to contact the police directly if they are capable of doing so, but in some provinces any abuse must be immediately reported to the police and the Ministry

with or without the individual's consent. In other provinces it is up to the individual. Please refer to local protocols.

- Neither the person with an intellectual disability, nor the witness to the alleged abuse, should speak to others about the incident until the investigation is complete. In many jurisdictions parents and guardians should be informed. Any evidence of the alleged abuse should not be disturbed until the investigation is complete.
- The person with the intellectual disability will be supported by the Community Leader/designate throughout the police investigation as per the agreed protocol with the police. If the person chooses support from someone else, the Community/Leader or designate will continue to oversee and support the process to ensure procedures are followed.
- After the authorities have been apprised of the alleged abuse, and if the individual with an intellectual disability has the capacity, they must provide consent before others are contacted (i.e. family, other support and service providers, etc.) Unless it is a provincial requirement that the guardian is informed without consent.
- 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 an intellectual disability is court-ordered, consent is not required and the Community Leader/designate will inform the court-ordered guardian as soon as legally possible.
- Proven incidents of abuse lead to appropriate disciplinary measures including, when warranted, suspension, termination of employment, removal from a community, severance of association with L'Arche and/or legal action.
- If the allegation is substantiated, the Community Leader/Executive Director or his/her designate will:
 - i. Inform the local Board President immediately, who will then decide whether the information should be urgently conveyed to the board members;
 - ii. Complete any local/provincial regulatory forms/reports within twenty-four (24) hour or the time frame set out by provincial regulations;
 - iii. Inform the Regional Leader according to the process outlined in the Serious Occurrence Reporting policy of L'Arche Canada.
 - iv. Complete the L'Arche Canada Serious Occurrence Form sent to the appropriate individuals;
 - v. Only the Community Leader/Executive Director and/or Board President or designate will speak to the media regarding incidents of abuse or alleged abuse. The Board President must be involved in any decisions regarding how the media will be approached.

C. 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 (in many instances it is the Ministry investigator and or police who give the directions) 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 medical care, counselling and/or therapy as needed.

- The Community Leader/designate (or Ministry Investigator) will explain the process of reporting and investigation to the alleged victim in terms that they can understand.

D. Protocol for dealing with the alleged abuser

- The Community Leader/designate will immediately remove the alleged abuser from the home/workplace/ situation and ensure that there is no contact between the alleged abuser and the alleged victim.
- L'Arche communities will maintain the alleged abuser's financial and benefit status until the investigation is complete.
- In cases of an allegation of sexual abuse, any abuse leading to physical injury or death, repetitive psychological abuse, repetitive instances of neglect, or any other incidents deemed to be serious occurrences by the Community Leader / Executive Director, the alleged abuser will be suspended pending the completion of an investigation.
- The Community Leader or designate will explain the reporting and investigation process to the alleged abuser.
- 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.
- If the Community Leader/Executive Director is the alleged abuser, the person making the report contacts, the Board President who becomes responsible to carry out the responsibilities of the Community Leader/Executive Director outlined above.

E. Follow-up

- The Community Leader/Executive Director provides a summary of the outcomes to the Board of Directors after the completion of any investigation. Confidentiality is respected by discussing the issue In Camera.
- After any instance of substantiated abuse at a L'Arche community, the Community Leader / Executive Director shall:
 - Review the training and education procedures and any other relevant procedures and instigate changes to decrease the possibility of further abuse;
 - Review this policy and any other relevant policy;
 - Suggest to L'Arche Canada any changes that would lead to improved prevention, disclosure and reporting of abuse.
- After any instance of unsubstantiated abuse at a L'Arche community, the Community Leader / Executive Director shall:
 - Notify all parties involved of the findings;
 - Ensure nothing is on record condemning the accused and no disciplinary procedures continue;
 - Ensure the report is documented correctly
- Each local community or board will review this policy annually and suggest to L'Arche Canada any changes that would lead to improved prevention, disclosure and reporting of abuse.

REVIEW OF POLICIES AND PROCEDURES

Should changes to the policies be required after annual review in communities, L'Arche Canada will approve changes and the revised policy will be implemented immediately.

L'Arche Canada Abuse Prevention and Reporting Policy

Acknowledgement (Appendix A)

Your signature below signifies that you have read and understood all aspects the L'Arche Canada Abuse Prevention and Reporting Policy on the preceding pages and that you are prepared to follow it. If there is something you need clarified, please ask before signing this document. A copy of this policy will be provided to you upon your signature.

Signature

Date

Print name

Appendix B

L'Arche Canada Website - Abuse Reporting Protocol

L'Arche Canada is committed to ensuring that L'Arche Canada and every L'Arche community in Canada is a safe and positive environment.

Please fill out the following form if you have experienced, witnessed, or received a report of any misconduct or abuse in L'Arche Canada or in any L'Arche community in Canada.

- [Our Code of Conduct policy](#)
- [Our Abuse Prevention and Reporting policy](#)
- [Our Workplace Violence and Harassment policy](#)

Reports can be submitted for both past incidents that have not yet been resolved, as well as current ones. Most reports should be reported at a local community level; however, if for whatever reason you are unsure of where or to whom a report should be made, you can submit a report here and the report recipients will ensure proper follow-up.

Please note that all reports will be kept confidential within the limits of the law. The confidential reviewers will review your report and make a recommendation to L'Arche for next steps at the appropriate levels. You will have the option of remaining anonymous, but you can also opt to give your name and contact information and indicate whether you are willing to be contacted by one of the reviewers.

Please call 911 if someone is experiencing an acute crisis.

[Who receives the information on a report?](#)

Upon submission, the report and any supporting documents are confidentially e-mailed to 2 recipients who are independent of L'Arche (i.e., not employed anywhere in L'Arche.) To protect their privacy, we do not identify the report recipients here. They are trained professionals not employed by L'Arche, and skilled in assessment, confidentiality and referral practices. They will not share identifying information without the permission of person filling out a report.

[What do the receivers do with a report once it is received?](#)

After reviewing the information provided, the recipients will contact the National Human Resource Coordinator, and as a team of 3, this group will discuss the most appropriate L'Arche authorities to involve, as needed, and recommend potential actions.

[Who conducts an investigation?](#)

The National HR Coordinator serves as liaison between the reporter and L'Arche, to ensure proper investigation protocols are activated and followed for any incident, past or present. They will not share identifying information with others in L'Arche unless the reporter consents to do so.

If a reporter has provided contact information, the National HR Coordinator (or, if away, one of the 2 report recipients) will follow up within 72 hours to consult about the reporter's desire to identify or not identify themselves to investigators, to consult about potential actions and to keep the reporter updated about what actions have taken place.

With the information provided, the recipients and National Human Resource Coordinator assess who is the most appropriate body to ensure investigation:

1. Local L'Arche Community Leader and Regional Leader – if report involves a local community and neither are the subject of the investigation.
2. Local L'Arche Board Chair and Regional Leader – if a report involves a local community leader and not the Board Chair or Regional Leader.
3. L'Arche Canada National Leader – if a report involves an employee of L'Arche Canada, the National Board, someone acting on behalf of L'Arche Canada or a historic incident where one or more people involved are no longer involved with a local community.
4. L'Arche Canada National Board Chair and International Leader – if a report involves the L'Arche Canada National Leader.
5. National leader and International Leader– if the report involves an incident, past or present, that took place outside of Canada or that involves L'Arche members outside of Canada.
6. Local law enforcement or adult protective services – If a report is submitted that identifies current suspected abuse, misconduct or neglect against a vulnerable person or criminal activity that has not been properly responded to, report recipients may pass on information to local law authorities.
7. 3rd Party Investigators – some reports will initiate external investigators, depending on the circumstances.

[How is the anonymity of reporters protected?](#)

Information on the report form is not accessible to anyone other than the report recipients. During investigation, shared information will continue to protect the anonymity of the individual. Individuals who choose to file anonymous reports are advised that it may be very difficult for L'Arche to follow up and/or take action on anonymous reports, where corroborating information is limited.