

MAPLE VILLA LONG TERM CARE CENTRE

DEPARTMENT: RESIDENT SAFETY DATE OF ORIGINAL ISSUE: MAY 2005

ISSUED & APPROVED BY: ADMINISTRATOR REVIEWED/REVISED: APRIL 2023

SIGNATURE: Barb Goetz

TO: ALL STAFF, VOLUNTEERS, STUDENTS, SERVICE PROVIDERS, RESIDENTS & FAMILIES

SUBJECT: PREVENTION AND ELIMINATION OF RESIDENT ABUSE, NEGLECT AND RETALIATION

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**PURPOSE:**

For the prevention, reporting and elimination of resident abuse, neglect and retaliation.

**POLICY:**

This is a resident-centered, zero tolerance policy.

Residents have the right to dignity, respect and freedom from abuse and neglect.

Maple Villa will neither allow nor condone the abuse and neglect of any resident.

A “**zero tolerance policy**” means a policy that:

- Builds awareness of and educates to achieve the goal of elimination of abuse and neglect
- Allows no exceptions
- Tolerates no abusive behaviour
- Requires strict compliance and enforcement
- Any incident of abuse and neglect shall result in disciplinary action up to and including dismissal and/or criminal charges and is reported to the MOHLTC immediately

The Administrator and management team shall ensure adherence to this zero-tolerance policy that takes all appropriate actions to address the prevention, reporting and elimination of abuse and neglect of residents in Maple Villa. The policy shall be consistent with all applicable MOLTC policies, all applicable laws and the service agreement entered into between the MOLTC and the LTC Home Operator.

For the purpose of this policy:

LTC Home shall be referred to as “Maple Villa” and/or “Home.”

Designate refers to Director of Care or Registered Nurse in Charge.

**Responsibilities of the Administrator (or designate) shall include:**

- Uphold the right of the residents of Maple Villa to be treated with dignity and respect within this Home, and to live free from abuse and neglect
- Neither abuse, nor allow the abuse of any resident in Maple Villa by Staff, volunteers or students, nor condone the abuse of any resident by any other person(s) at the home

- Provide information/education regarding abuse and the prevention of abuse and neglect to all employees, volunteers, service providers, residents, and family members
- Treat every allegation of abuse and neglect as a serious matter
- Immediate investigation of every known alleged, suspected or witnessed incident of abuse or neglect of a resident by anyone.
- Take corrective action, including sanctions or penalties against those who have committed abuse and neglect against a resident
- Immediately report to the Ministry of Health and Long Term Care every suspected or confirmed incident of:
  1. Improper or incompetent treatment or care of a resident that resulted in harm or risk of harm to the resident.
  2. Abuse of a resident by anyone or neglect of a resident by a staff member that resulted in harm or a risk of harm to the resident.
  3. Unlawful conduct that resulted in harm or a risk of harm to a resident.
  4. Misuse or misappropriation of a resident's money.
  5. Misuse or misappropriation of funding provided to a licensee under the LTC Homes Act.
- Make every effort to eliminate abuse and neglect through the quality and risk management programs

### **DUTY TO REPORT:**

Those who witness or have knowledge of abuse and neglect of a resident and fail to report it may appear to be colluding with the abuser or condoning the abuse. Under the *LTC Act*, a person other than a person who has reasonable grounds to suspect that a resident has suffered or may suffer abuse and neglect is required to report the suspicion and the information on which it is based; it is an offence to contravene this requirement.

Any person is guilty of an offence if the person:

Coerces, intimidates or discourages a person not to make a report required by this policy and regulation;

### **RETALIATION AND WHISTLE-BLOWING PROTECTION; Obligation to Promote Reporting and Protect Persons Who Report Abuse and Neglect**

- The administrator shall not dismiss, discipline or penalize anyone who reports incidents of abuse or neglect.
- No person shall **RETALIATE** against another person who reports abuse or neglect of a resident such as intimidation, coercion or harassment
- A resident shall not be discharged, threatened with discharge or in any way be subjected to **DISCRIMINATORY TREATMENT** i.e. discontinuation or change of any service or care

**For more details reference: Whistle-Blowing Protection Policy**

## **DEFINITIONS:**

### **ABUSE**

Abuse of a resident means any action or inaction, misuse of power and/or betrayal of trust or respect by a person against a resident, that the person knew or ought to have known, would cause (or could reasonably be expected to cause) harm to resident's health, safety or well-being.

Abuse includes, but is not limited to:

- Physical Abuse
- Sexual Abuse and Sexual Assault
- Emotional Abuse
- Verbal Abuse
- Financial Abuse
- Exploitation of a Resident's Property or Person
- Neglect
- Prohibited Use of Restraints
- Measures Used to Discipline a Resident

### **Physical Abuse**

The use of physical force by a person, other than a resident, that is contrary to the resident's health, safety or well-being, and that injures, or inflicts pain or discomfort, on the resident.

Physical abuse includes, but is not limited to:

- Assault
- Forced Confinement
- Slapping
- Pushing
- Pinching
- Beating
- Twisting
- Shaking
- Burning
- Forced feeding
- Rough handling, for example attempting to provide care to residents who are actively resisting
- Overmedication, withholding medication, or medicating a resident when it is not medically necessary to do so.
- The use of physical force by a resident that causes physical injury to another resident.

### **Sexual Abuse**

- Any consensual or non-consensual sexual intercourse, or other form of non-consensual physical sexual relations, with a resident
- Any consensual or non-consensual touching of a resident that is of a sexual nature. This does not include touching, remarks or behaviour of a clinical nature that is appropriate to the provision of care or consensual touching, behaviour or remarks of a sexual nature in the course of a sexual relationship that began before the resident was admitted to the home.
- Behaviour or remarks of a sexual nature towards the resident that are unwanted by the resident, including remarks that are sexually demeaning, humiliating, exploitative or derogatory.

- Any situation in which a staff member begins a sexual relationship with a resident.
- Sexual assault of the resident

### **Sexual Assault**

An assault that is committed under circumstances of a sexual nature, such that the sexual integrity of the resident is violated.

### **Emotional Abuse**

- Any action or behaviour that may diminish the sense of identity, dignity and self-worth of a resident
- Stress or distress caused by abuse
- Threatening or insulting, intimidating or humiliating gestures, actions, behaviour or remarks.
- Imposed social isolation including “shunning”, ignoring, or lack of acknowledgement
- The denial or deprivation of any of a resident’s rights as set out in the Residents’ Bill of Rights
- Also includes actions or behaviours performed by a resident that cause alarm or fear to another resident, where the resident performing the action or behaviour understands and appreciates their consequences.

### **Verbal Abuse**

Any form of communication, which demonstrate disrespect for the resident.

Verbal Abuse includes, but is not limited to:

- Swearing
- Name-calling, cultural or racial slurs
- Threats or insults
- Shouting
- Belittling, degradation, infantilization
- Sarcasm, taunting
- intimidation
- inappropriate tone of voice and manner of speaking which is upsetting and/or frightening to the resident
- Verbal abuse also includes any form of verbal communication of a threatening or intimidating nature made by a resident that leads another resident to fear for his or her safety where the resident making the communication understands and appreciates its consequences. (LTHCA)

### **Financial Abuse**

Any misappropriation or misuse of a resident’s finances.

Financial Abuse includes, but is not limited to:

- Theft or unlawfully withholding a resident’s money, pension, securities, etc.
- Fraud, forgery and extortion
- Using Power of Attorney, Substitute Decision-Making Authority, or a family relationship in a manner that is detrimental to the resident’s care and/or personal well-being.

### **Exploitation of a Resident’s Property or Person**

- Theft of or unlawfully withholding a resident’s property or possessions (including the resident’s food, and items of little monetary value) other than in situations where the resident’s safety and

or safety of resident's possessions is at risk and the property has been placed in safekeeping for the resident as documented in his or her plan of care

- "Borrowing" of a resident's personal belongings by staff (in which there is removal of the item)
- Using the property or the personal image/voice of a resident for personal, commercial or other purposes in a manner that is detrimental to the resident's well-being.
- Using any of the following, without the resident's consent, and in a manner, that is detrimental to the resident or the resident's care:
  - Power of Attorney
  - Substitute decision making authority
  - A family relationship

### **Neglect**

The failure to provide the care and assistance required for the health, safety or well-being of a resident. "Neglect" includes a pattern of inaction that jeopardizes the health or safety of one or more residents.

The term "neglect" includes but is not limited to, the failure to:

- Provide the ongoing care set out in a resident's plan of care
- provide access to a physician's services, when required
- Reduce and manage health and safety hazards in the home on an ongoing basis
- Implement programs to identify and mitigate risks, so as to prevent and minimize health care problems in the home, including, but not limited to the following:
  - Pressure Ulcers
  - Dehydration
  - Unplanned Weight Loss
- Summon or provide assistance, when required
- Respond to a resident's request for assistance
- Failure to report suspected or witnessed abuse is deemed to be neglect

### **Prohibited Use of Restraints**

- Any use of a restraint that is prohibited by the Ministry's Least Restraints policy, including the use of a restraint on a resident for convenience or to punish or discipline a resident, or
- Any use of a restraint that is not in accordance with the Ministry's Least Restraints Policy.

### **Disciplinary measures**

Any measures taken to discipline or punish a resident

"**Staff**" of Maple Villa includes, for the purposes of this policy, except where otherwise indicated, any permanent and contract, full time and part time:

- Employees
- Physicians
- Agency Staff
- Service Providers
- Contracted Health Care Professionals
- Paid Trainees
- Students under Clinical Placements
- Paid companions (paid by the resident, family member or substitute decision maker).

- Volunteers

This definition does not imply or create an employer/employee relationship where none exists, and it is used solely in the context of this policy to clarify that abuse and neglect will not be tolerated from any source.

## **MEASURES TAKEN TO PREVENT RESIDENT ABUSE AND NEGLECT:**

- “Staff”, as defined in this policy
- Volunteer
- A resident’s family member, substitute decision maker, or visitor
- Another resident
- Any other person attending the home

### **Abuse and Neglect Committed by a Staff Member or Volunteer**

The Administrator shall:

- Ensure all Staff and volunteers of Maple Villa read & understand the policy for abuse and neglect and communicate the expectation that they will comply with the policy; and that action will be taken against those who do not comply. Actions to be taken may include but is not limited to disciplinary action, reporting to MOHLTC, dismissal and criminal charges.

### **Abuse and Neglect Committed by a Resident’s Family Member, Substitute Decision-Maker or Visitor**

The Administrator shall:

- Communicate to all family members, substitute decision-makers and visitors to the Home that Maple Villa has and enforces a policy on abuse and neglect; that all family members, substitute decision-makers and visitors to the Home are expected to comply with the abuse policy, and that action will be taken against those who do not comply. Actions to be taken may include but is not limited to mandatory reporting to the MOHLTC, restricting visitation, and criminal charges.
- The communication to the residents, family members, substitute decision-makers and visitors shall include the following:
  - Posting Maple Villa’s policy in locations within the Home that are prominent and easily accessible to the public
  - Developing a policy to be distributed to family members and others upon a resident’s admission
  - Annual review of policy with Resident and Family Councils.

## **Abuse and Neglect Committed by Another Resident**

The Administrator shall:

- Communicate to each mentally capable resident and SDM, upon admission, the contents of the Home's policy on abuse and neglect and the expectation that the resident will comply with the policy. The Administrator shall ensure that the consequences of not adhering to the policy are explained to the resident and SDM
- The communication to the resident will include the following:
  - Resident's Handbook to include the Home's policy on abuse and neglect upon admission
  - Reviewing Maple Villa's policy at meetings of the Resident's and Family Councils
  - posting the policy in locations within the Home that are prominent and easily accessible to the public
- Failure to comply with the Home's policy on abuse and neglect, may include but not limited to, reporting to MOHLTC, notifying the SDM, demanding discharge, criminal charges

## **Abuse and Neglect Committed by Any Other Person**

The Administrator shall:

- Communicate to all persons entering the Home – including independent contractors, maintenance staff, etc. – that the Home has and enforces a policy on abuse and neglect, and that action will be taken against anyone who does not comply with that policy including reporting to MOHLTC, cancellation of services and criminal charges
- The communication to persons entering the Home will include:
  - Posting the policy in prominent locations in the Home
  - Inclusion in any written contractual agreements

## **POLICE RECORD CHECKS:**

Police Record Checks are a precautionary measure to determine whether persons providing services to vulnerable adults have a criminal history which could potentially make them unsuitable for employment with Maple Villa.

- This information shall only be used for the purpose for which it was obtained
- Procedures for the collection, use, security, disclosure and retention of the information, once the check has been completed and a final decision as to whether to hire the potential staff member involved has been made, must comply with applicable privacy legislation

The Administrator shall act with due caution and due diligence if hiring or retaining staff or volunteers who have criminal records or who have been convicted of other offences that may be relevant to the nature of the employment or services and a risk to the health, safety or well-being of residents.

## **All New Employees:**

All new employees must provide a documented Police Record Check upon hire.

**Police Record Check must be:**

- Conducted by a police force
- Conducted within 6 months before the employee is hired or the volunteer is accepted
- Must include a Vulnerable Sector Screening

The employee is required to pay any fee by the police for the Police Record Check.

The Police Record Check shall determine if the potential staff member has been convicted of any criminal offence or has a criminal background that may be relevant to the position or service(s) involved. Offences that could potentially be relevant include, but are not limited to:

- Physical or Sexual Assault
- Any offense involving the use of threats or violence
- Theft or Fraud
- Break and Enter
- Property-related crimes
- Drug related offences, such as trafficking in controlled or restricted drugs
- Failure to provide necessities of life or criminal negligence causing death or bodily harm to someone for whom the person was a caregiver or in a position of authority or trust

**All New Adult Volunteers: (18 years of age or older)**

All new adult volunteers must provide a documented Police Record Check, which shall be obtained from a police force or service. This requirement shall apply to all adult volunteers who have direct contact with residents.

Maple Villa shall require the potential volunteer to pay any fee required by police for the Police Record Check.

The Police Record Check shall determine if the potential volunteer has been convicted of any criminal offence or has a criminal background that may be relevant to the position or service(s) involved. Offences that could potentially be relevant include, but are not limited to:

- Physical or sexual assault
- Any offense involving the use of threats or violence
- Theft or Fraud
- Break and Enter
- Property-related crimes
- Drug related offences, such as trafficking in controlled or restricted drugs
- Failure to provide necessities of life or criminal negligence causing death or bodily harm to someone for whom the person was a caregiver or in a position of authority or trust.

**Reference Checks: Student Volunteers**

For all volunteers under the age of 18 years participating in educational and community-service programs in LTC Facilities, the Administrator (or designate) shall obtain references from teachers, guidance counselors, principals, etc. attesting to the volunteers' good character.

Maple Villa shall ensure that a member of the Home's staff, or a representative from the sponsoring agency, educational institution or school supervises students in the Home.



## **IMMEDIATE ACTION/MANDATORY REPORTING:**

**Any person** at Maple Villa who witnesses or suspects the abuse and neglect of a resident, or who receive complaints of abuse and neglect, shall demand the action cease and remove the resident to safety. Call for assistance if needed, then report the matter immediately to the Administrator or DOC. After regular business hours the designate is the On-Duty R.N.

### **The Administrator (or designate) Shall Investigate and Take Action**

The Administrator (or designate) shall take immediate action in response to any alleged, suspected or witnessed incident of abuse and neglect to a resident of Maple Villa.

### **Notify or Report to MOHLTC as follows:**

Monday-Friday 8:30am – 4:30pm: immediately initiate and submit the on-line CIS form identifying this as a mandatory Report.

All other times (including statutory holidays): phone the after-hours pager #: 1-888-999-6973  
“Abuse Decision Trees” are attached to this policy and may be referenced as a guide for reporting abuse or neglect.

### **The required action also includes, but is not limited to:**

- Protecting all residents immediately from further harm
- Investigating all incidents of alleged; suspected or witnessed abuse and neglect
- Identifying all people involved in the incident, while maintaining individuals’ confidentiality, as required by law and as appropriate, and obtain written statements from all witnesses immediately following the alleged incident.
- Notifying a resident’s family members, substitute decision-makers, or others specified in the resident’s plan of care, when abuse and neglect of that resident has, or is suspected to have occurred.
- Providing a place for private discussion when a resident retains an independent advocate.
- Contacting the police, when warranted, if criminal activity is suspected.

## **INVESTIGATION PROCESS:**

Administrator or designate shall initiate an investigation and document on the “Investigation Report Form” provided (appendix A). This report shall assist in the populating or completion of the CIS report to MOHLTC.

- Registered Staff will complete a resident assessment, for physical abuse, include the following:
  - If resident injuries indicate, transfer resident to hospital immediately.
  - Complete a Head to Toe physical assessment. Take pictures of red areas, injuries or other marks ensuring that the resident remains and feels safe. Ideally pictures should be taken with a digital camera with two copies printed immediately – one copy for the police, if required, and one copy for Home file.
- Resident name, Date of Birth and room number is to be recorded on the back of the photos. Photos are to be signed and dated by the person who took the pictures, and if there was a witness to the picture taking they should sign and date as well.

- Transfer to hospital if at any point there is concern with the resident's physical/emotional health status and document the results.

Other information required includes:

- Name of alleged victim (resident)
- Name of person reporting the incident.
- Details of the abuse: Who? (accused employee) What? Where? Description of incident, including events leading up to occurrence.
- Obtain written statements from all parties involved.
- Action taken as a result of the incident.

If, upon completion of the investigation, it is concluded that abuse and neglect did not take place as initially suspected (or could not be validated) the Administrator (or designate) shall amend the original CIS report; any change of outcome or events as a result of the investigation shall be amended in the initial CIS report.

### **Ministry to Investigate**

The ministry shall follow up and review the Home's CIS report, investigation, actions taken and follow-up measures.

### **COMMUNICATION AND EDUCATION:**

This policy shall be posted in a prominent location, be contained in both new employee handbook and resident handbook for new admission. It shall also be available on each department PC desktop as an icon, for easy access and reference including fillable form.

All staff and volunteers shall be re-educated annually. (Surge learning on-line mandatory education program)

The communication and education related to abuse and neglect prevention shall include review of this policy, information on how to recognize the signs of abuse and neglect, steps to take when abuse and neglect is suspected, issues relating to the aging process and behavioural responses, workplace stress reduction, residents' rights, zero tolerance for abuse and neglect and ongoing resident behavioural management education for staff.

### **ABUSE AND NEGLECT - PREVENTION PROGRAM TO BE REVIEWED ANNUALLY:**

The Administrator shall conduct an annual review and evaluation of Maple Villa's abuse and neglect -prevention program – as part of its overall risk-management activities – to ensure that prevention strategies are effective and to implement identified improvements.

The annual review shall be conducted with staff, Family Council and Resident Council.