

S-107 REPORTS OF ABUSE OF A CHILD OR AN ADULT BY EMPLOYEES, VOLUNTEERS OR OTHER AGENTS OF VALORIS



In this document, words used in the masculine gender apply to anyone.

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(previously DG-09)

Object

Policy

Valoris for Children and Adults of Prescott-Russell maintains the philosophy of zero tolerance of any form of abuse or violence towards children and adults in the community. It is our obligation to warn and protect anyone receiving our services of any abuse from our employees, volunteers or other agents.

The Agency's Code of Conduct stipulates that any employee suspecting or bearing witness to the abuse of a child or an adult by a colleague, volunteer or other agent of the organization must report it immediately.

Regardless of the status of the employee, volunteer or other agent, we recognize that anyone committing an act of abuse must face possible criminal charges following a fair and impartial investigation.

A criminal act committed against an individual receiving services from Valoris and determined by the Court, or child abuse that is confirmed by a child protection investigation or by Family Court, and committed by an Agency employee, is deemed to be a severe breach of trust that warrants immediate dismissal, without progressive disciplinary measures.

Valoris will treat its employees, volunteers or other agents accused of abusing a child or an adult in a fair, equitable and impartial manner. Valoris will also lend them support during this difficult time.

Procedure

1. Receiving a complaint

Anyone receiving a report of abuse of a child or an adult by an employee, volunteer or other agent of Valoris must immediately and directly inform a Director of Service and acknowledge receipt within 24 hours to the person who reported. These individuals will maintain the highest level of confidentiality and will not discuss the situation with anyone other than those whose position grants them authorization to this information. The agency

ensures the support and protection of any person who reports abuse. Regarding complaints against foster parents refer to the policy and procedure S-113.

Within 24 hours of receiving the report, the Director of Service will:

- Immediately inform the Executive Director and the Director of Human Resources, who will be kept informed and consulted throughout the entire process;
- Immediately begin a preliminary evaluation to determine whether the report is admissible according to the Differential Response Model's Eligibility Spectrum or whether the situation warrants police involvement in the case of the abuse of an adult;
- During the preliminary investigation, disclosing or discussing the situation with individuals who may later be involved in the investigation will be avoided;
- Inform the Ministry of Community and Social Services, Ministry of Children and Youth Services of serious incidents within the prescribed timelines according to Policy DG-10;
- Advise the insurer of the report or of an investigation led by personnel from another investigative agency;
- Determine the steps to follow to ensure the most fair and impartial treatment of the individual involved (in an internal or external investigation);
- As required, contact another Children's Aid Society to begin the child protection investigation, establish a service agreement and notify local police;
- If an adult with a developmental disability is involved in the incident, we will obtain his consent, if he is capable of doing so, before contacting other persons;
- Inform the immediate family of the child or the person responsible for the adult allegedly victimized in the report and provide them with the subsequent findings of the investigation.

If the preliminary investigation of the report concludes that the actions of the employee, volunteer or other agent do not warrant police involvement or a child protection investigation, the situation will be referred to the supervisor of the employee, volunteer or other agent for any necessary follow-up. Even if the situation does not require a formal investigation, the actions will warrant a formal performance evaluation of the employee by his immediate supervisor. The actions in question may lead to disciplinary measures including dismissal, as outlined in the Human Resources Policy RH-116: Disciplinary Sanctions.

2. Investigation of the report

Regardless of the process that is followed, the investigation must take place as quickly as possible. Our colleagues (the police and other Children's Aid Societies) must also be informed of the importance of expediting the investigation in the event that they are called to lead or participate in the process.

2.1. Child protection investigation

All investigations of abuse of a child under sixteen (16) years of age involving a representative of Valoris must be investigated by another Children's Aid Society, as outlined in the Protocol for Interagency Investigations of Sensitive Allegations of Child Abuse. The Executive Director and all other staff members must remove themselves from the investigation process led by another Children's Aid Society.

Allegations concerning other employees, a member of an employee's family, a volunteer or another agent may be investigated by Valoris intake staff if the Director of Service believes that the investigation can be led with the utmost impartiality and without risk of conflict of interest. Otherwise, the Director of Service will call upon another Children's Aid Society, as directed by the current Interagency Protocol.

The professional responsible for the investigation must determine whether a child is in need of protection and take any necessary measures required in this area.

The police are responsible for determining whether a criminal act has been committed and for laying criminal charges.

2.2. Investigations of the mistreatment of adults

The police will lead the investigation and may decide to interview staff members, who will cooperate in the investigation in an objective and professional manner.

3. Support of the alleged victim

If the alleged victim receives residential or other services from Valoris, the worker responsible for the alleged victim will provide him with support and follow-up during the investigation. The worker must avoid tainting the investigation by questioning the alleged victim or other witnesses about the complaint. The worker will accompany the alleged victim, throughout the inquiry, which may include a physical examination.

Exceptional circumstances: If the alleged perpetrator of the abuse is also a client of Valoris, staff members must ensure that the alleged victim and the alleged perpetrator do not have contact with each other. Each must receive the necessary support during the investigation. The alleged perpetrator of the abuse will also be treated as an individual in need of assistance.

4. Support of the employee, volunteer or other agent

The Director of Service will:

- Quickly ensure that the employee, volunteer or other agent does not have direct contact with the alleged victim or other vulnerable children or adults during the investigation process;
- Upon consultation with the professionals leading the investigation, advise the employee, volunteer or other agent that they are the subject of a complaint being investigated;
- During the investigation of an alleged violation, the employee may be suspended from work in order to protect the clients, the agency or the agency's property. The suspension may also be as disciplinary action for breach of the employee's duties. The employee will be informed of a suspension at a meeting or by registered mail.

During the investigation, an employee may be assigned duties that do not require direct contact with children or adults, or suspended with pay until the conclusion of the investigation.

The Human Resources Supervisor will:

- Offer the employee support;
- Inform the employee of the counselling services available to him and his family within the framework of the Employee Assistance Program;
- Advise the individual to contact a lawyer.

5. Results of the investigation

As soon as the investigation is completed, the Director of Service will make a decision regarding the status of the employee, volunteer or other agent. The Executive Director, Human Resources Supervisor and other individuals who participated in the investigation will be involved in this decision.

Once the decision has been made, the Director of Service and, if necessary, the Human Resources Supervisor, will meet with the employee, volunteer or other agent within 24 hours to advise them of the decision taken:

- He may return to his position or to another position without prejudice;
- He may return to his position with disciplinary measures, including a suspension without pay;
- He will remain suspended from his position with or without pay pending a decision of a judge or other authorities;
- His employment with Valoris will be determined by the Executive Director.

6. Physical and electronic File on the Investigation

The physical file on the investigation of abuse by an employee will be kept in a locked cabinet in the office of the Human Resources Supervisor. The Information Technology Services Supervisor will be advised to ensure that the electronic file can only be accessed by the authorized professionals.

7. Training

All employees and volunteers of Valoris will be informed of this policy during their orientation session once they are hired and/or their basic training. Moreover, Valoris will review this policy annually with employees and volunteers involved with children in care and adults with developmental deficiencies. Intake staff members will receive training on the process to follow when receiving a report regarding an employee, volunteer or other agent, and of the need for confidentiality.

Definitions, annexes and references

References

- Child Abuse: see CFSA, sections 37 and 101;
- Physical assault and threat of assault: see Criminal code, sections 264, 265, 266, 267, 268, 269;
- Sexual assault: see Criminal Code, section 264;
- Harassment: see Criminal Code, section 264;
- Charter of Human Rights and Freedoms;
- Policy and Procedure S-113: Complaints against a foster family;
- Policy and Procedure S-108: Reporting serious occurrences to the ministry;

- Policy and Procedure S-110: Physical restraint measures for children;
- Policy and Procedure S-111: Physical restraint measures for adults;
- Policy and Procedure S-268: Disciplinary measures;
- Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 – Ontario Regulation 299/10 – Quality Assurance Measures;
- Licencing Manual for Foster Homes, 2012 edition, CFSA