



## L'Arche Ontario Policy

Policy Type: Service Delivery

Policy Number: SD-A1

Policy Area: Abuse Prevention & Reporting - A

Policy Approval Date: July 2, 2018

Policy Title: Abuse - Zero Tolerance

Reviewed & Reapproved: November 3, 2023

---

**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.

This policy applies wherever L'Arche activities are conducted including homes, programs, offices, or other physical spaces and at all L'Arche events, including appointments, outings, and community vacations.

### Definitions

**Abuse** means action, behaviour, or neglect that causes, or is likely to cause, physical injury and/or psychological harm, and/or significant loss or destruction of property. This includes:

- **Physical Abuse/Assault:** any physical contact intended to cause feelings of intimidation, pain, injury or other physical suffering or bodily harm.
- **Sexual Abuse/Assault:** any situation in which force, threat, or power is used to obtain participation in non-consensual sexual activity or coercing a person to engage in sexual activity against their will. 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:** the use of bonds of perceived relationship, trust, and dependency to make a person feel vulnerable.
- **Psychological Abuse:** the constant criticism, insulting, threatening, degradation, humiliation, or intimidation of a person. This includes any attempt to exert power and control over someone by demeaning one's faith or beliefs or imposing another's faith on an individual.
- **Verbal Abuse:** the negative verbal depiction of a person or the use of demeaning language.
- **Financial Abuse:** the misuse, misappropriation, or restriction of the assets of a person.
- **Pharmacological Abuse:** the administration or withholding of medication that leads to serious bodily harm, harm to mental health, or has a serious impact on mood or behaviour.
- **Neglect:** the failure to provide a person 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 a person.

- **Exploitation:** manipulation to cause a person to do something illegal or not in their best interests.
- **Harassment:** the use of comments or gestures that are insulting, intimidating, humiliating, malicious, degrading, offensive or discriminatory.
- **Sexual Harassment:** the use of any vexatious or inappropriate comments or conduct of a sexual nature.
- **Inappropriate Use of Restrictions:** 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.

### **Orientation, Training and Education**

L'Arche will provide annual training on the abuse prevention policy for all personnel and volunteers who have direct contact with individuals with an intellectual disability. Completion of this training is mandatory and will be documented.

L'Arche will provide MCCSS-approved behavioural intervention training (eg. CPI or Safe Management) to all new personnel and volunteers who have direct contract with individuals with an intellectual disability. This training will be renewed according to the requirements of certification. Completion of this training is mandatory and 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 annual training on the abuse prevention policy for the Board. Completion of the annual training will be documented.

L'Arche will provide copies of the Abuse Prevention and Reporting policy to all substitute decision makers and post it on our website.

This policy will be reviewed on an annual basis.

### **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.

If any personnel or a volunteer has reasonable grounds to believe that the alleged, witnessed, or suspected abuse may constitute a criminal offence, the police must be contacted immediately. For example, assault is a criminal offence and will be reported to the police. Assault is the act of intentionally applying force on another person without consent or attempts and threats by acts or gestures to apply force on another person where it is reasonable to believe the act or gesture would be carried out.

All allegations and/or suspicions of abuse, regardless of whether they are criminal in nature or not, must be reported to the Community Leader/designate and documented on the Code of Conduct Violation Report.

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 report the information to the Community Leader/designate.

A written report of the incident shall be completed using the MCCSS Serious Occurrence Reporting Form within the timeframe outlined in policy SD-H9, Serious Occurrence Reporting.

The Community Leader/designate will inform the Board Chair of the allegation and plans to address it. The Community Leader/designate will also inform the Regional Leader who will complete the L'Arche Canada Serious Occurrence form according to the process outlined in the L'Arche Canada Serious Occurrence Reporting policy.

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 can do 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.

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 can provide consent, is required before anyone is informed.

If 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.

If the Community Leader/designate were to be accused, the allegation and/or suspicions of abuse must be reported to the Chair of the Board of Directors who becomes responsible to carry out the responsibilities of the Community Leader/designate outlined in this policy.

### **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/workplace/ 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. If the alleged abuser is a live-in assistant, the cost of temporary alternative accommodation will be covered by L'Arche.

The Community Leader/designate will explain, to the extent possible, the process of reporting and investigating to the alleged abuser and the option to seek legal advice.

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. All incidents of abuse will be investigated and lead to appropriate disciplinary measures including, when warranted, suspension, termination of employment, removal from the community, severance of association with L'Arche and/or legal action.

## **Protocol for dealing with an alleged abuser who has an intellectual disability who has targeted another person with an intellectual disability.**

L'Arche recognizes that an alleged abuser may be another individual with a developmental disability. When this is the case, all the details and steps outlined for reporting in this policy apply, but there is the additional need for L'Arche to provide enhanced supports to the alleged abuser. The supports offered to both the abused person and the alleged abuser should be from separate people, either internal or external to L'Arche as appropriate, ensuring that confidentiality is maintained as best as possible, and that conflicts of interest are avoided.

If the alleged abusive behaviour is believed to constitute a criminal offense, the police must be contacted immediately. For example, unwanted sexual touching or assault. These are criminal offenses and will be reported to the police.

The Community Leader/designate: must ensure adequate measures are in place immediately following the incident to ensure the alleged abuser remains safe and supported; notify SDM/POA as appropriate; provide appropriate accompaniment and guidance to the alleged abuser if the criminal justice system becomes involved; ensure legal council is obtained if needed; and assess what ongoing supports are required to ensure both the targeted person and the alleged abuser can safely remain as members of the community. This may include a reassessment of where the individuals involved reside and/or the day program each attends, the creation or a detailed review of a Behavioural Support Plan, a re-evaluation of required staffing levels, and renewed training for personnel who support the individuals involved. In extreme circumstances, it may become clear that the alleged abuser cannot safely return as a member of the community.

## **Review of Policies and Procedures**

Following any allegation and investigation of abuse, the Community Leader/designate will provide a summary of the outcomes to the Board of Directors to be discussed in a private session, maintaining privacy for all involved when recording the minutes.

The Community Leader/designate is responsible to ensure there is an annual review of all trainings and education in abuse prevention to ensure effectiveness.

Further to this, the Community Leader/designate will ensure there is an annual review of this policy, and any necessary changes are approved and implemented immediately.