



L'ARCHE OTTAWA POLICY

Policy Type: Service Delivery

Policy Number: SD-A1

Policy Area: Abuse Prevention & Reporting - A

Title: Abuse - Zero Tolerance

Regional Policy last approval/review date: December 13, 2011

Approved in L'Arche Ottawa: October 13, 2017 / Revised April 4, 2019 / April 2023

1.0 MISSION AND STANDARDS

The Mission of L'Arche is to:

- Make known the gifts of people with intellectual disabilities, revealed through mutually transforming relationships.
- Foster an environment in community that responds to the changing dreams and needs of our members, while being faithful to the vision and core values of our founding story.
- Engage in our diverse cultures, working together toward a more human society.

The mission of L'Arche requires that our personal and professional behaviour be of the highest standard.

Participants in the life and mission of L'Arche, must commit to the following standards and principles:

1. Treating every person with dignity and respect.
2. Not discriminating on the basis of race, gender, religion, colour, national or ethnic origin, language, marital status, sexual orientation, gender identity, gender expression, age, ability, political conviction, or social status.
3. Representing and promoting the values of the mission of L'Arche
4. Facilitating open and honest communication within L'Arche, while maintaining the highest degree of confidentiality in professional matters and interpersonal relationships
5. Using the proper channels of communication in order to protect the integrity of our working environment and/or community life
6. Reporting any witnessed or suspected unacceptable behaviours.

2.0 SCOPE

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

This policy refers to the rights of persons with an intellectual disability to be free from abuse. It also deals with the reporting obligations for any suspected abuse against them.

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.

3.0 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:** 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:** use of the bonds of intimacy, trust and dependency to make the person feels vulnerable;
- **Psychological abuse:** constant criticism, insulting, threatening, degradation, humiliation, or intimidation of a person;
- **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;
- **Spiritual abuse:** any attempt to exert power and control over someone using religion, faith or beliefs;
- **Neglect:** the failure to provide the 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 the person;
- **Exploitation:** manipulation to cause the 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:** use of any vexatious or inappropriate comments or conduct of a sexual nature;
- **Pharmacological abuse:** the administration, withholding or prescribing of medication for an inappropriate purpose that leads to serious bodily 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 support plan, is not used to promote the immediate safety of the individual or is judged to be exercise with respect to ensuring the individual's safety in a particular circumstance. It includes the use of excessive chemical restraints.

Examples include but are not limited to:

- Making offensive jokes, remarks;
- Making aggressive, threatening or rude gestures;

- Vandalizing or hiding personal belongings;
- Disrespect for personal belongings and private space;
- Inappropriate invitations or requests, including of a sexual nature;
- Demeaning of one's faith or beliefs or the imposition of another's faith;
- Shouting, blow-ups at a person and/or use of profanity and abusive language;
- Inappropriate use of power and inappropriate use of progressive discipline;
- Retaliation against anyone making an abuse complaint or participating in an investigation.
- Any behavior which is considered dangerous, disrespectful and/or inappropriate

4.0 PROCEDURES

Orientation, Training and Education

- L'Arche will ensure that all personnel in direct care roles complete:
 - The Workplace Violence & Harassment Awareness training which includes an annual review of the Workplace Violence and Harassment Policy. Completion of the annual educational program will be documented.
 - Crisis intervention training, such as Crisis Prevention Institute (CPI) or Safe Management.
- 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 policy and procedures to all volunteers, including the Board members. 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.

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 is against the law, they must contact the police 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.
- All allegations and/or suspicions of abuse must be reported to the Community Leader/designate and documented on the Code of Conduct Violation Report form (attached).
- A written report of the incident shall be completed by L'Arche Ottawa within twenty-four (24) hours on the MCCSS Serious Occurrence Reporting Form.

- 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 and 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 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 the alleged abuse may be of a criminal nature, all discussions should cease and the police should be called immediately.
- 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 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.

Any personnel or volunteer who is a witness to the abuse or alleged abuse of a person with an intellectual disability has the right to send a complaint directly to the L'Arche Canada website at:

<https://www.larche.ca/en/safeguarding>. The complaint sent to L'Arche Canada may be filed anonymously.

In the case of the Community Leader/designate being the accused, the allegation and/or suspicions of abuse must be reported to the Chair of the Board of Directors (president@larcheottawa.org). The Chair of the Board of Director 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/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.
- 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. 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.

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 Camera.

The Community Leader/designate is responsible to ensure there is an annual review of all training 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.