



<p>Team Name: Regional Personal Care Home Program Team</p> <p>Team Lead: Directors - Personal Care Homes</p> <p>Approved by: Regional Lead - Community & Continuing Care</p>	<p>Reference Number: CLI.4110.PL.012</p> <p>Program Area: Across Care Areas</p> <p>Policy Section: General</p>
<p>Issue Date: November 15, 2018</p> <p>Review Date:</p> <p>Revision Date: July 6, 2023</p>	<p>Subject: Freedom from Abuse or Neglect of Patients and Residents in a Health Care Facility</p>

Use of pre-printed documents: Users are to refer to the electronic version of this document located on the Southern Health-Santé Sud Health Provider Site to ensure the most current document is consulted.

POLICY SUBJECT:

Freedom from Abuse or Neglect of Patients and Residents in a Health Care Facility

PURPOSE:

- To establish the organization’s expectations of staff treatment of patients and residents.
- To outline the procedure for recognizing and reporting suspected abuse or neglect of a patient or resident receiving care.

BOARD POLICY REFERENCE:

Executive Limitation (EL-02) Treatment of Clients

POLICY:

- Abuse or neglect of a patient or resident is not acceptable and is not tolerated by Southern Health-Santé Sud.
- All patients or residents are to be treated with dignity and respect by all staff at all times.
- Southern Health-Santé Sud strives to provide an environment where no patient or resident is subject to abuse or neglect of any kind.
- Where there is suspected abuse or neglect of a patient or resident in our care, a thorough investigation is conducted and appropriate remedial action is taken where deemed necessary.

- Any staff or physicians witnessing or having information regarding a situation which could be deemed as constituting abuse or neglect is required to report the incident, or they could be guilty of neglect of their responsibilities.
- The rights of patients or residents prevail during application of this policy.
- It is mandatory to report suspected abuse or neglect promptly.

DEFINITIONS

Abuse

Any act or omission that:

- is mistreatment, whether physical, sexual, mental, emotional, financial or a combination of any of them, and
- causes or is reasonably likely to cause:
 - Death of a patient (or resident);
 - Serious physical or psychological harm to a patient (or resident), or
 - Significant loss to a patient's (or resident's) property,

but does not include neglect.

Types of Abuse:

- Exploitation
 - Use of an individual for personal or financial gain.
- Financial
 - Involves the misuse of money, property or possessions.
- Inappropriate Treatment
 - Purposeful withholding of appropriate treatment or administration of inappropriate treatment with the intent of harm.
- Physical
 - Any action or unnecessary action, deliberate or negligent, that results in bodily harm, pain or discomfort.
 - Psychological
 - Any deliberate action resulting in humiliation, emotional trauma, fear or intimidation.
- Sexual
 - Any sexual advances or behavior toward an individual without consent. NOTE: In the case of a minor, abuse exists whether the individual consents or not
- Verbal
 - Derogatory, threatening, derisive (mocking) or demeaning language toward an individual.

Mistreatment

- The first element to a finding of abuse or neglect. Treating someone badly, cruelly, or unfairly.

Neglect

- An act or omission that:
 - is mistreatment that deprives a patient (or resident) of adequate care, adequate medical attention or other necessities of life, or a combination of any of them and causes, or is reasonably like to cause:
 - death of a patient (or resident), or
 - serious physical or psychological harm to a patient (or resident).

Serious Harm

- The second element to a finding of abuse or neglect. Any kind of hurt or injury whether physical or psychological that interferes in a substantial way with the physical or psychological integrity, health or well-being of the complainant.

IMPORTANT POINTS TO CONSIDER:

Protection for Persons in Care Act

- While the *Protection for Persons in Care Act* (PPCA) compels employees to report suspected abuse or neglect to the Protection for Persons in Care Office (PPCO) it does not compel reporting to a manager. Staff are encouraged to report suspected abuse or neglect to their respective manager to facilitate immediate action regarding the assurance of safety for the patient(s) or resident(s). If an employee chooses not to report suspected abuse or neglect to their manager, disciplinary action will not be taken for failure to report to the manager.
- If an employee chooses to report to their manager, the employee still maintains the obligation to report the suspected abuse or neglect to the PPCO. If the employee does not wish to report to the PPCO and chooses to report only to their manager, the employee maintains a duty to ensure that the manager reports on their behalf. In this case, the employee may choose to be witness to the report being made to the PPCO.
- Reporting of suspected abuse or neglect is required even if the information is confidential.
- Reporting in “good faith” safeguards in the PPCA prohibit:
 - Any interruption in care and services provided to patients or residents.
 - Any adverse employment action or legal action or proceedings against any person, including health facility employees for reporting abuse, suspected abuse or neglect.
- The PPCA also protects caregivers, and others who work with persons in care, against malicious reporting.

PROCEDURE:

- If a patient's or resident's life or well-being is in immediate danger, take steps to ensure the individual's safety first. These may include:
 - Activating emergency services (calling 911 for police and/or other assistance);
 - Removing the patient or resident from the area;
 - Moving other patients or residents from the area;
 - Removing a visitor or staff person from the area;
 - Treating any injuries;
 - Calling a Code White.
- Receiving Reports of Suspected Abuse or Neglect.
 - Reports about suspected abuse or neglect may be received from anyone by any staff person:
 - Patient/Resident;
 - Staff/co-worker;
 - Family/friends;
 - Volunteers;
 - Anonymous; or
 - Outside agency representative.
- The report may be received either verbally or in writing.
- A report may be in the form of a suspicion or an allegation.
- Reports received are communicated to the nearest available manager as soon as reasonably possible. The manager is responsible to follow up to the report.
- Responding to Reports of Suspected Abuse or Neglect
 - The manager is responsible to respond to reports of suspected abuse or neglect.
 - Ensure that the patient or resident is safe.
 - Provide information to the patient or resident about local resources available to support the his/her well-being. These may include:
 - Mental health services;
 - Local spiritual care providers;
 - Local law enforcement;
 - Seniors Abuse Support Line (24 hour) (1-888-896-7183); or
 - Services to Seniors organizations.
- Staff Person Reporting Suspected Abuse or Neglect in a Hospital, Personal Care Home (PCH) or Transitional Care Centre (TCC).
 - If a staff person has a reasonable basis to suspect a patient or resident is, or is likely to be abused or neglected, the staff person promptly reports this to the PPCO (for those 18 and older only) by entering the information into the PPCO virtual reporting platform located on the PPCO website. (See References below)
 - The PPCO virtual reporting platform can only be accessed from a laptop/desktop computer or a tablet, and not from a personal mobile device. Staff who are unable to access the regional Health Provider Site (HPS) to reach the internet and access the PPCO website, should complete the PPCO Facility Abuse Reporting Form (CLI.4110.PL.012.FORM.01) and submit immediately to their manager.

- Follow Up to Reports of Suspected Abuse or Neglect
 - The staff person completes a Safety Event Report Form (ORG.1810.PL.001.FORM.01) and notifies their manager. The staff person may approach their manager for assistance with reporting to the PPCO (in a hospital, PCH or TCC) and in completing the Safety Event Report Form.
 - In the case of a minor, the manager immediately notifies:
 - Child and Family Services (CFS) (1-866-345-9241) (as per the *Child and Family Services Act*); and
 - If deemed appropriate the parent or guardian of the child.

Note: if the alleged offender is a family member, has a significant relationship with the child's parent(s) or guardian(s), or if the identity of the offender is unknown, there should not be any contact with the parent(s) or guardian(s) by the service provider about the situation. CFS agency workers and law enforcement personnel are trained and primarily responsible for contacting and discussing these concerns with parents.
 - In the case of an adult the manager:
 - Immediately notifies the Public Trustee (if previously appointed), or custodian (if appropriate) and, in consultation with, and with the consent of the alleged victim, any other individual who may be of support to the alleged victim.
 - Makes a report to the PPCO if a report has not already been made (in a hospital, PCH or TCC).
 - Follow-up is not delayed if any of the parties in the above steps cannot be contacted immediately.
 - The manager conducts an investigation of the situation that generated the PPCO report and takes any steps necessary to remedy the situation as quickly as possible. It is important that a situation in which the potential for abuse or neglect exists be addressed efficiently and effectively.
 - The manager establishes a file for each PPCO report received.
 - Documentation of the investigation and evidence gathered is filed with the pertinent report.
 - The manager follows the Safety Event Reporting (ORG.1810.PL.001) policy about reporting to other parties.
- PPCO Reporting and Investigation Process
 - After receiving a report of suspected abuse or neglect, the PPCO inquires into the matter.
 - Where there is reason to believe that abuse or neglect has occurred, or is likely to occur, the matter is quickly investigated.
 - Under the law, a health facility operator may be required to take action as a result of this investigation. The PPCO can issue directions to facilities to improve policy and/or process that enhance patient safety and address preventing, identifying, and reporting abuse or neglect.

- Where necessary, referrals may be made to a professional regulatory body for further review of the actions of professionals identified as persons who have abused or neglected.
- The PPCO may refer an individual to the Adult Abuse Registry Committee if it concludes abuse or neglect occurred.
- Any failure to comply with the Act, including intentionally making a false report, may result in charges being laid and fines imposed.
- For more information about the PPCO and PPCO processes, please see <https://www.gov.mb.ca/health/protection/>
- Investigation by Child and Family Services
 - Once a report is received by CFS, a CFS agency and/or the police will then assume responsibility of assessing and/or investigating the situation.
 - Each report is assessed on an individual basis and, depending on the information and assessment, the interventions will vary.
 - For more information about CFS processes, please see http://pacca.mb.ca/ESW/Files/Handbook_Child_Protection_and_Child_Abuse_Web_Links.pdf.
- Staff Education
 - All staff receive information and training about this policy and the PPCA during orientation.
 - Educational opportunities are offered annually to all staff working in hospitals, PCHs and TCCs to review this policy and the PPCA.

SUPPORTING DOCUMENTS:

[CLI.4110.PL.012.FORM.01](#) PPCO Facility Abuse Reporting Form

REFERENCES:

ORG.1810.PL.001 Safety Event Reporting

ORG.1810.PL.001.FORM.01 Safety Event Report Form

Manitoba Health, Protection for Persons in Care. *Facility Abuse/Neglect On-line Reporting*
Retrieved March 31, 2023: [Report Abuse/Neglect | PPCO | Health | Province of Manitoba \(gov.mb.ca\)](#)

Government of Manitoba (2013). *Reporting of Child Protection and Child Abuse: Handbook and Protocols for Manitoba Service Providers*. Available on-line. Retrieved March 31, 2023: [Province of Manitoba | fs - Reporting of child Protection and Child Abuse \(gov.mb.ca\)](#)

Manitoba Health Personal Care Home Standards Suggested Evidence Document (2015).
Reference: *Personal Care Home Standards Regulation, Section 15*.

Prevent Elder Abuse Manitoba (PEAM). Retrieved March 31, 2023. Available on-line: <http://www.peam.ca/>.

Government of Manitoba, *Protection for Persons in Care Act (SM 2000, c. 12)*. C.C.S.M. c. P144.
Available on-line. Retrieved March 31, 2023: <http://web2.gov.mb.ca/laws/statutes/ccsm/p144e.php>.

Government of Manitoba - Protection for Persons in Care Office. Available on-line. Retrieved March 31, 2023: <http://www.gov.mb.ca/health/protection/index.html>.

Government of Manitoba - *The Child and Family Services Act (SM 1985-86, c. 8)*. C.C.S.M. c. C80. Available on-line. Retrieved March 31, 2023:
<http://web2.gov.mb.ca/laws/statutes/ccsm/c080e.php>.

Government of Manitoba - *The Vulnerable Persons Living with a Mental Disability Act (SM 1993, c. 29)*., C.C.S.M. c. V90. Available on-line. Retrieved March 31, 2023:
<http://web2.gov.mb.ca/laws/statutes/ccsm/v090e.php>.

Winnipeg Regional Health Authority (WRHA) - *Abuse Towards Older Adults*. Retrieved February 21, 2018. Available on-line: [Abuse Towards Older Adults \(wrha.mb.ca\)](http://wrha.mb.ca)