

Protection for Persons in Care

Part I

Reported Allegations

October 1 – December 31, 2000

PROTECTION FOR PERSONS IN CARE

PART I

REPORTED ALLEGATIONS Third Quarter 2000 - 2001 (October 1-December 31, 2000)

NUMBER OF REPORTS:

- During this quarter, 102 reports were received. The number of reports has remained fairly constant over this past 12 months, averaging 30-40 reports each month.
- Health and Wellness (H&W) has responsibility for the facilities named in 90 of the cases; Community Development (CD) has responsibility for the facilities in 12 cases.
- There were no cases reported from facilities under the responsibility of Human Resources and Employment and Children's Services.

AGENCIES:

The majority of allegations involve persons in care in long term care facilities.

Agency/Ministry Responsibility	# of Reports				
	1 st Quarter	2 nd Quarter	3 rd Quarter	Fiscal Year	
				Total	%
Regional Health Authorities/ H&W	78	93	71	242	72.0%
Persons with Developmental Disabilities/H&W	27	19	19	65	19.4%
Alberta Mental Health Board /H&W	1	0	0	1	.3%
Management Bodies/CD	8	7	12	27	8.0%
Children's Services	0	1	0	1	.3%
Total	114	120	102	336	100%

See figure 1 for further breakdown by organizational structure

TYPES OF ALLEGED ABUSE:

Allegations of physical and emotional abuse remains the largest group. There is an increase in allegations of financial abuse.

Types of abuse	1 st Quarter	2 nd Quarter	3 rd Quarter	Fiscal Year	
				Total	%
Physical	39	37	40	116	29.2%
Emotional	50	48	41	139	35.0%
Misappropriate medications	2	0	3	5	1.3%
Sexual	8	11	4	23	5.8%
Financial	4	4	13	21	5.3%
Neglect	28	42	23	93	23.4%
Total	131	142	123	397	100%

*Each report can have more than one type of abuse.

See figure 2 for individual breakdown by organizational structure

ALLEGED ABUSERS:

Client to client abuse allegations have remained constant. However, there is an increase in the number of cases where the family has been considered as the alleged abuser, which coincides with the increase number of allegations of financial abuse.

Alleged Abuser	1 st Quarter	2 nd Quarter	3 rd Quarter	Fiscal Year	
				Total	%
Service Provider	92	86	68	246	73.2%
Client	15	16	16	47	14.0%
Other	6	12	6	24	7.1%
Family	1	6	12	19	5.7%
Total	114	120	102	336	100%

See figure 3 for further breakdown by organizational structure

Note: From previous reports family and other have been separated. Other includes volunteer, visitors, non family, guardians and trustees.

INVESTIGATORS:

External investigators under contract, conducted approximately 85% of the investigations, 8% were conducted by a professional college and 7% by a police service.

Investigator	1 st Quarter	2 nd Quarter	3 rd Quarter	Fiscal Year	
				Total	%
External Investigators	101	101	91	293	85.6%
Professional Colleges:	10	11	8	29	8.5%
-AARN (RNs)	6	8	3	17	
-CLPN (LPNs)	4	2	2	8	
-CPS (Physicians)	0	1	2	3	
-Other	0	0	1	1	
Police	2	9	7	18	5.2%
Other bodies (MHPAO)	1	0	1	2	.5%
Total	114	121*	107**	342	100%

* One case was investigated by an external investigator and a professional college

** Five cases were investigated by more than one type of investigator.

Part I Attachments: First, Second and Third Quarter 2000-2001 Summary of reported PPC cases

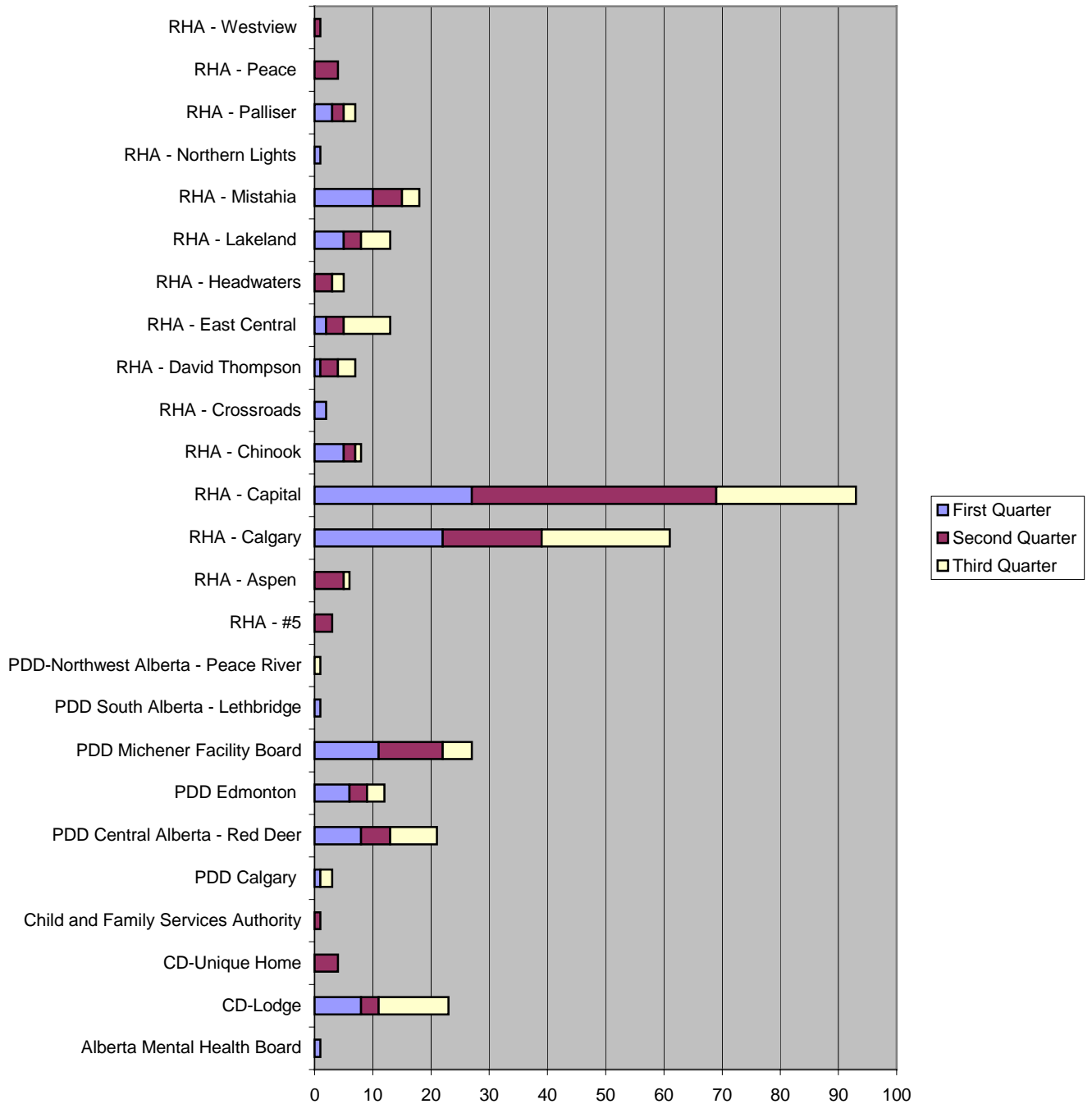
Figure 1 – Number of reports

Figure 2 – Types of alleged abuse

Figure 3 – Categories of alleged abusers

Protection for Persons in Care Number of Reports

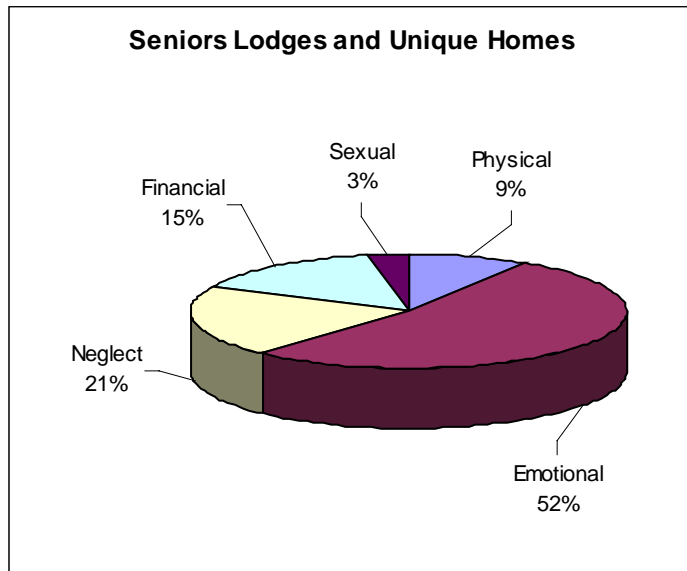
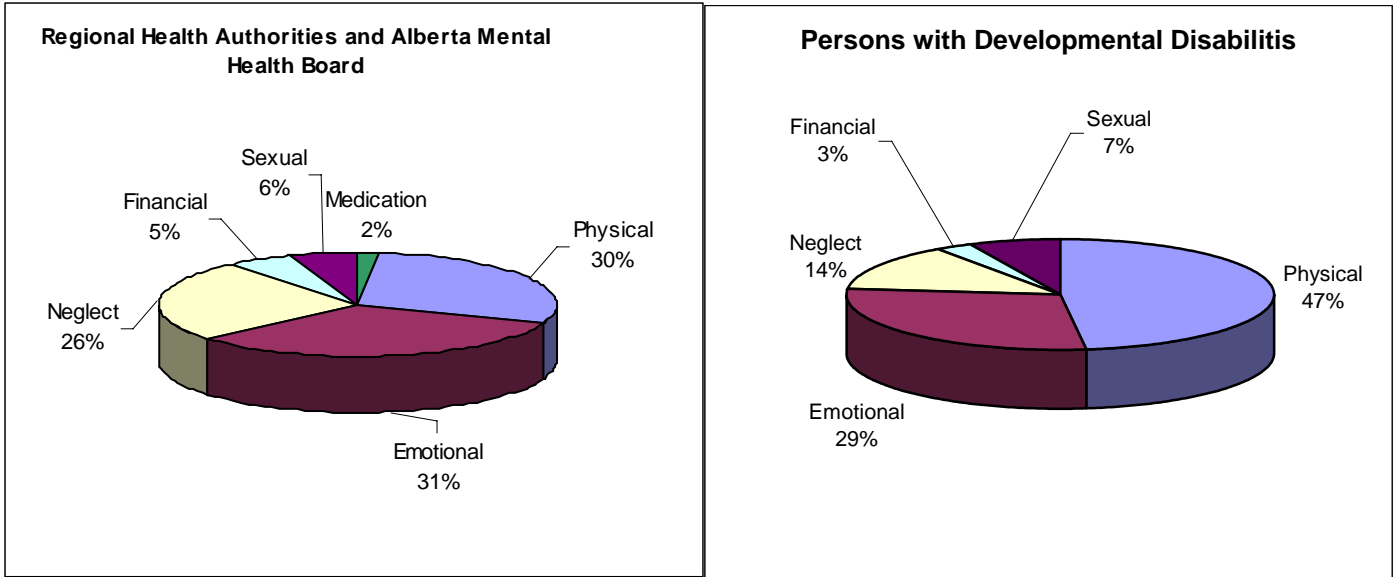
April 1 – December 31, 2000 (9 Months)



Number of Reports

Figure 1

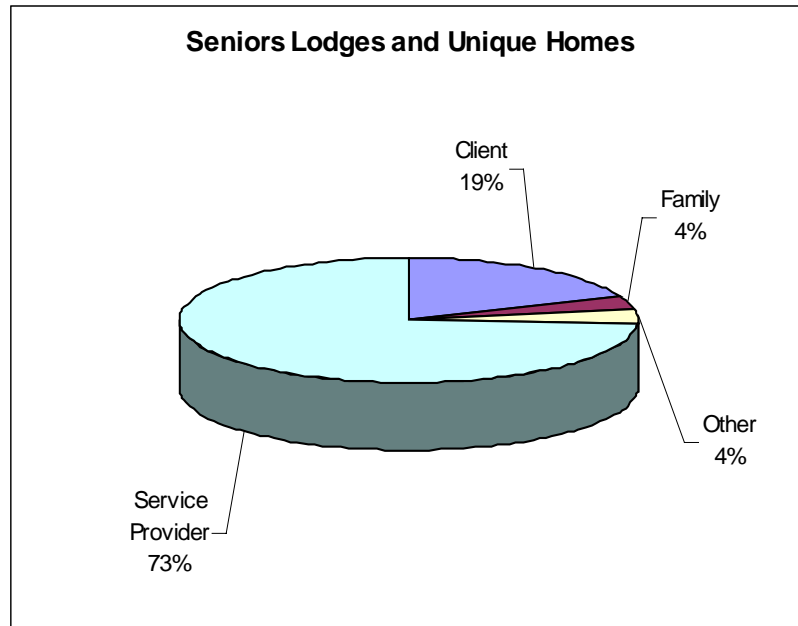
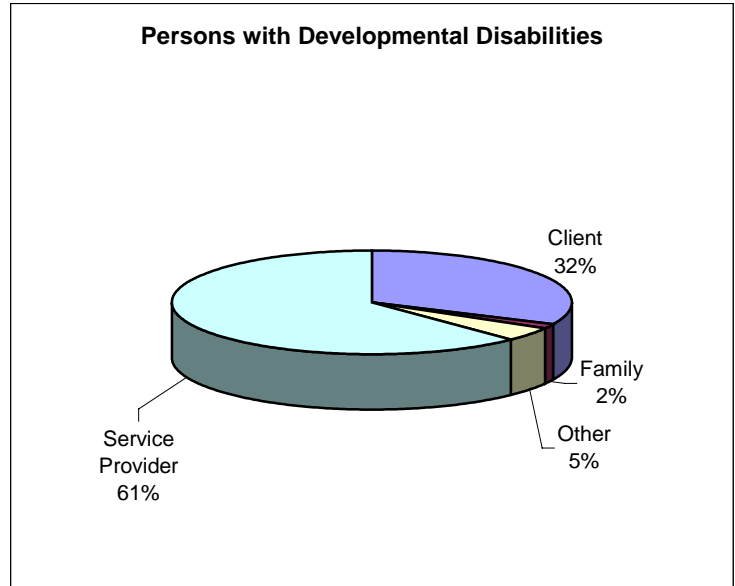
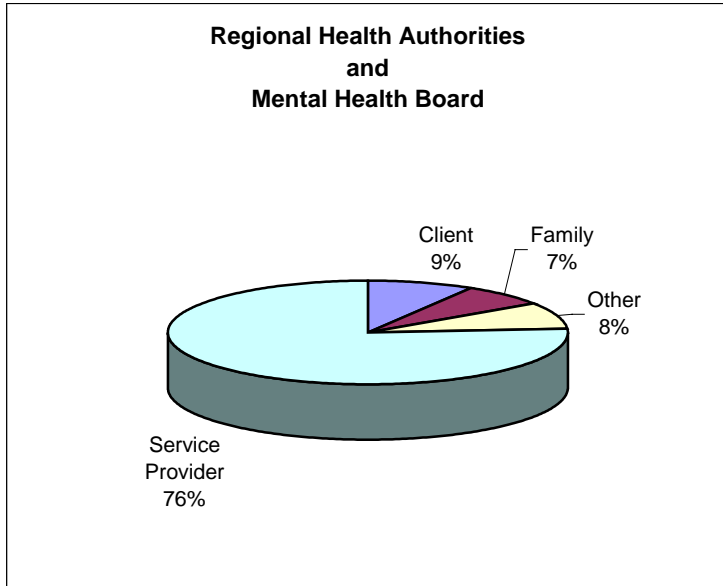
**Protection for Persons in Care
Types of Alleged Abuse by Organizational Structure
April 1, 2000 – December 31, 2000 (9 Months)**



**Children and Family Services Regional Authorities: 1 Report
Human Resources and Employment: 0 Reports**

Figure 2

**Protection for Persons in Care
 Categories of Alleged Abusers by Organizational Structure
 April 1, 2000 – December 31, 2000 (9 Months)**



**Children and Family Services Regional Authorities: 1 Report
 Human Resources and Employment: 0 Reports**

Figure 3

Protection for Persons in Care

Part II

Investigation Outcomes

April 1 – September 30, 2000

PROTECTION FOR PERSONS IN CARE

PART II

INVESTIGATION OUTCOMES* First and Second Quarter 2000- 2001 (April 1-September 30, 2000)

- Of the 234 cases reported during this six-month period, 205 files are closed. There are 29 reports still under investigation.
- Of the 205 closed files, 34.1% (70) were upheld and 60.4% (124) were dismissed, 1.9% (4) were determined to be not under the Act, and 3.4 % (7) were referred to the police.

Report Outcomes April 1– September 30, 2000

Organization	Upheld	Dismissed	Ongoing	Not under the Act	Referred to Police	Total
RHA	57	83	24	1	1	166
PDD	10	27	5	3	6	51
AMHB	1	0	0	0	0	1
Lodges	2	13	0	0	0	15
Children’s Services	0	1	0	0	0	1
TOTAL	70	124	29	4	7	234

See figure 4 for further breakdown by organizational structure and figure 5 for further breakdown by type of abuse and category of alleged abuser

* The outcome of the investigations from the quarter October 1-December 31, 2000 will be included in the next quarterly report, as the majority of the cases are not closed at this time.

INVESTIGATION RESULTS:

- **Recommendations arising out of the files closed during the first and second quarters:** Staff training in areas like practice issues, policies and procedures and health care issues was recommended in 76 files. Appropriate staff discipline, other than termination, was recommended in 48 files; although many facilities had done this prior to the completion of the investigation. Better communication about the care plan with service providers was cited as a recommendation in 43 files, while better communication about the care plan with family members was cited in 28 files. The requirement for staff training on the PPC Act was recommended in 30 files.
- **Recommendations as related to human resources:** In 30 reports involving staff as the alleged abuser, the agency took prior disciplinary action before the external investigator started or completed the report. Action taken included: staff termination or resignation, giving of suspensions of various lengths with or without pay, written and/or verbal reprimands, reassignment and attendance at special teaching sessions.

- **Ages of Alleged Victims:** The youngest alleged victim was 20 years of age and the oldest was 102 years of age. Approximately 80% of the alleged victims, where their age is known, are over the age of 65. Of this number, 7% were 95 years of age and over; 31% were 85 to 94 years of age and 50% were 75 to 84 years of age.

ADMINISTRATIVE OUTCOMES

- **Length of time taken to complete investigation:** Of the 205 files closed in the first and second quarters (6 months), approximately 37% of the investigations were completed in 30 days or less; approximately 33% of the investigations were completed in 31 to 60 days; approximately 15% took 61 to 90 days to complete and approximately 15% took over 90 days to complete.
- **Files remaining open:** From the first quarter, five files remain open. Two files are under investigation by the professional associations and three by external investigators. From the second quarter, twenty-four files remain open. Four are under investigation by the police, eleven by professional associations and nine by external investigators.

ADMINISTRATIVE CHANGES:

- As commenced in July 2000 (see PPC Bulletin #3) a copy of the Report of Decision is now being given to the alleged abuser, when identified at the time of the initial call to the reporting line. Further to this, the facility CEO is now being copied on the cover letter to the alleged abuser, so that the identity of the alleged abuser, along with the file number attached to Report of the Decision, can be documented for employment matters.
- A recent call for proposals for more investigators resulted in the recruitment of seven new investigators and the retaining of 12 previous investigators for a total of 19 external investigators under contract to Alberta Community Development. The new investigators have various backgrounds such as nursing, psychiatry, psychology, hospital administration, health policy, law enforcement, criminology and experience in working with persons with developmental disabilities.
- In an effort to decrease the amount of time it takes individuals to report an allegation of abuse, the alleged abuse reporting form is now available on the web site at www.gov.ab.ca/mcd/seniors/ppica/ppica.htm. The form, as attached, can be printed, completed and returned to Protection for Persons in Care by faxing to (780) 422-8762 or by mailing to Box 3100, Edmonton, Alberta, T5J 4W3. Upon receipt of the report, the reporter will be contacted by phone to confirm that the report has been received and to provide the reporter with a file number and the name of the investigator. Anonymous reports will not be accepted.
- To minimize the amount of time spent with the Protection for Persons in Care investigator during an investigation and to assist in providing accurate details, it is helpful if those involved in the alleged incident immediately record in writing, the details and sequence of events that occurred at the time of the alleged abuse, including the date, time, names of individuals involved and any witnesses. This written account can be referred to or provided to the investigator during the site visit.

- More brochures and a new smaller poster can be ordered free of charge by calling the reporting line at 1-888-357-9339. Copies of the Act or videos can be obtained through the Queen's Printer. First and Second Quarterly Reports and PPC Bulletins #s 1 - 4 are available through the website listed above.
- Two further bulletins; PPC Bulletin #5 - Referrals to Police and PPC Bulletin #6 - Referrals to Professional Colleges are attached. Suggested topics for future bulletins would be appreciated.

Part II Attachments:

Figure 4 – Report Outcomes
Figure 5 – Upheld Allegations of Abuse
PPC Report Form
PPC Bulletin 5 – Referrals to Police
PPC Bulletin 6 – Referrals to Professional Colleges

Contact: Edith Baraniecki, Manager Protection for Persons in Care
Phone (780) 427-0552 or Fax (780) 422-8762 or email at edith.baraniecki@gov.ab.ca

**Protection for Persons in Care
Report Outcomes
April 1, 2000 – September 30, 2000 (6 Months)**

**Organizational Structure in
Which Abuse was Reported**

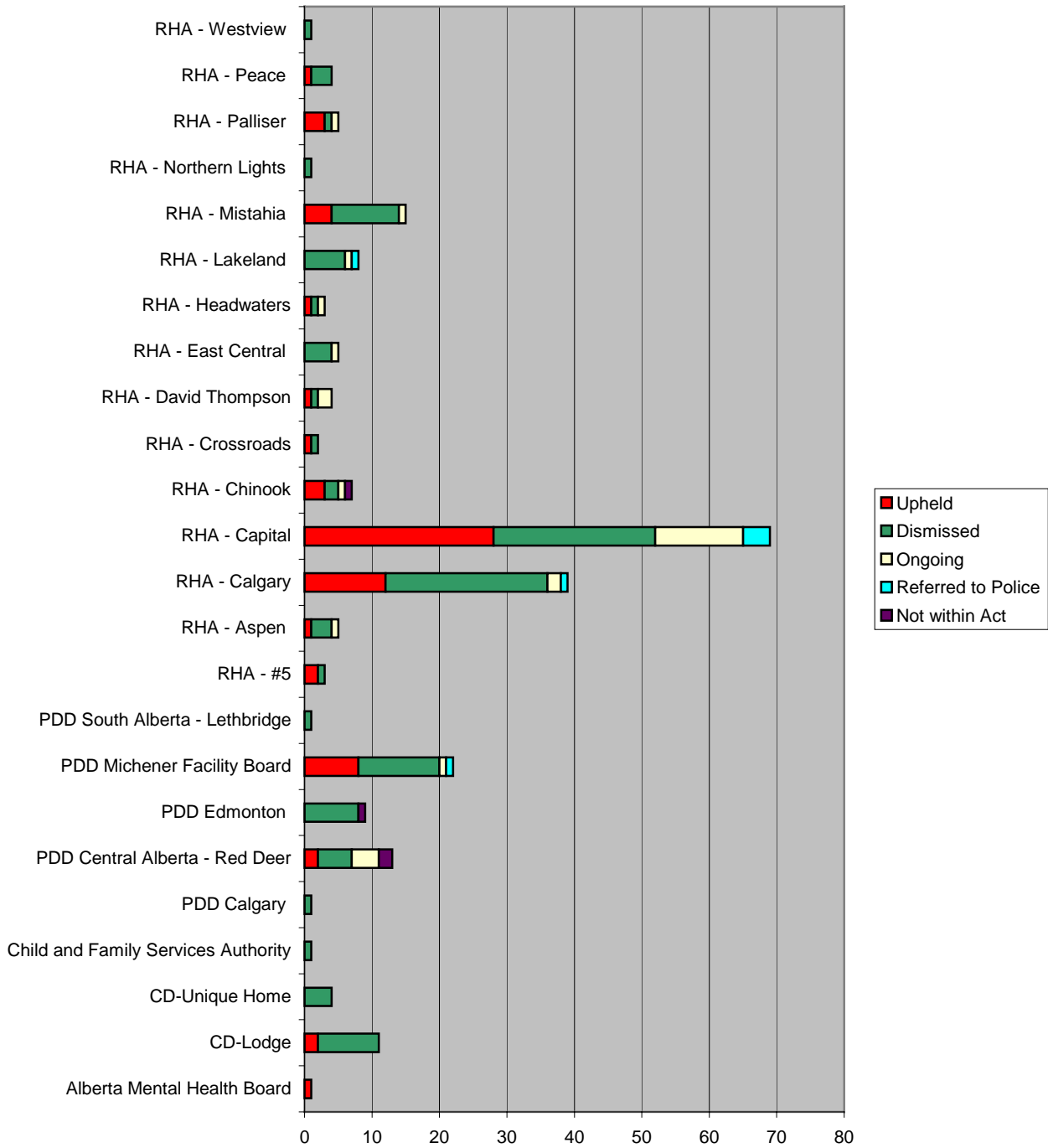


Figure 4

**Protection for Persons in Care
Upheld Abuses by Category of Alleged Abuser**
April 1, 2000 – September 30, 2000 (6 Months)

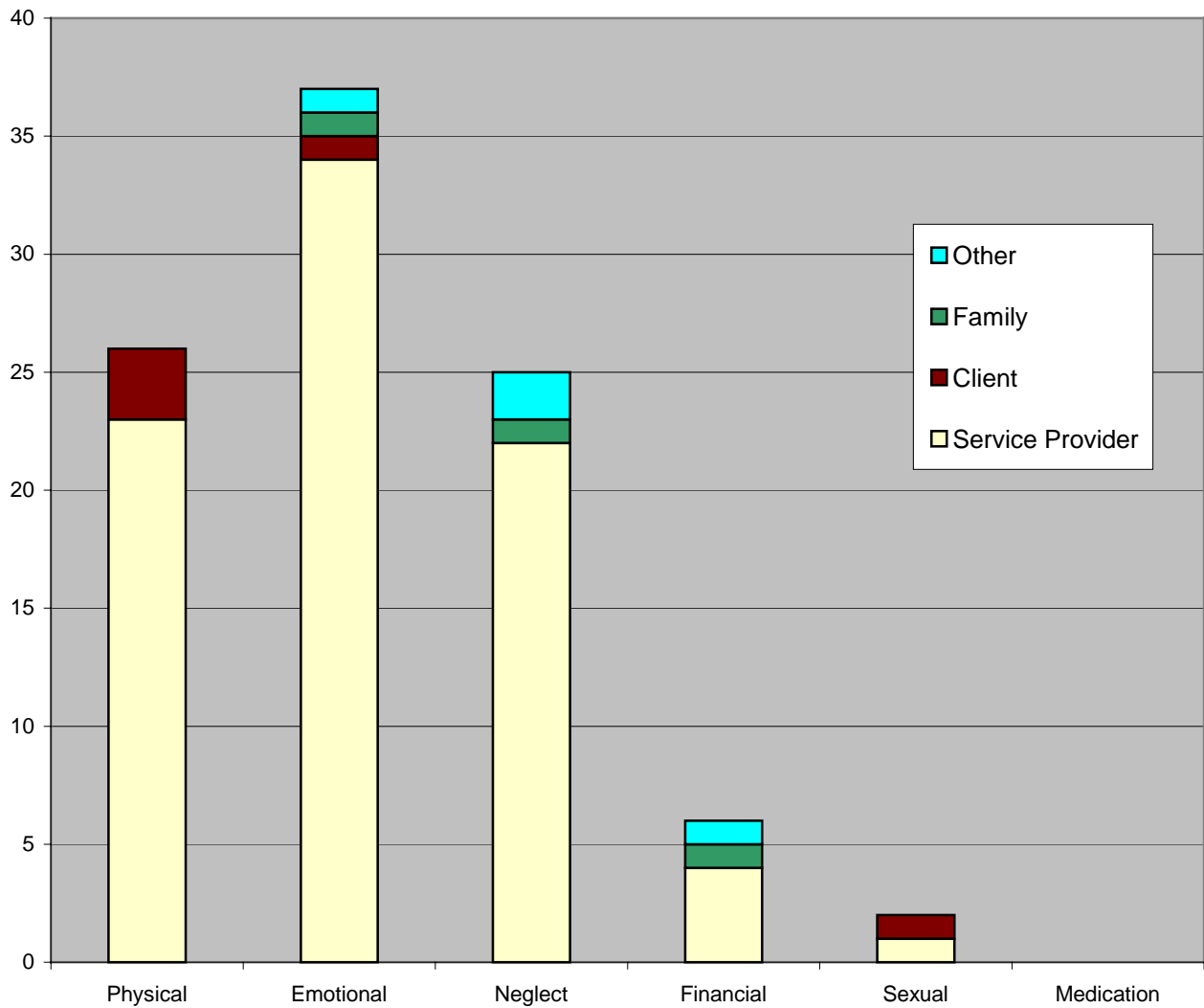


Figure 5

**PROTECTION FOR PERSONS IN CARE
COMPLAINT REPORTING FORM**

DATE OF REPORT _____ **FILE NUMBER** (office use only) _____

<p>REPORTER _____</p> <p>Address _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone H _____ W _____</p> <p>Cell Phone _____</p> <p>Related to victim <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Relationship _____</p> <p>Occupation _____</p> <p>Employer Name _____</p> <p>Did you witness the event? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>WITNESS (1) _____</p> <p>Address _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone H _____ W _____</p> <p>Related to victim <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Relationship _____</p> <p>Employed at site of abuse <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, occupation _____</p> <p>Employer Name _____</p>
<p>ALLEGED VICTIM _____</p> <p>Address _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone H _____ W _____</p> <p>Age _____ Gender <input type="checkbox"/> Male <input type="checkbox"/> Female</p>	<p>WITNESS (2) _____</p> <p>Address _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone H _____ W _____</p> <p>Related to victim <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Relationship _____</p> <p>Employed at site of abuse <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, occupation _____</p> <p>Employer name _____</p>
<p>CARE FACILITY _____</p> <p>Address <input type="checkbox"/> same as alleged victim address</p> <p>If different _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone _____</p>	<p>ALLEGED ABUSER (1) _____</p> <p>Address _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone H _____ W _____</p> <p>Related to victim <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Relationship _____</p> <p>Employed at site of abuse <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, occupation _____</p> <p>Employer name _____</p>
<p>DATE(S) OF INCIDENT(S)</p> <p>1) _____ 4) _____</p> <p>2) _____ 5) _____</p> <p>3) _____ 6) _____</p>	<p>ALLEGED ABUSER (2) _____</p> <p>Address _____</p> <p>City/Town _____ P.C. _____</p> <p>Telephone H _____ W _____</p> <p>Related to victim <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Relationship _____</p> <p>Employed at site of abuse <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, occupation _____</p> <p>Employer name _____</p>
<p>TYPES OF ABUSE</p> <p><input type="checkbox"/> Intentionally causing bodily harm</p> <p><input type="checkbox"/> Administer/prescribe medication for inappropriate purpose</p> <p><input type="checkbox"/> Sexual abuse</p> <p><input type="checkbox"/> Emotional harm</p> <p><input type="checkbox"/> Failure to provide basic necessities</p> <p><input type="checkbox"/> Misappropriate (steal) fund/property</p>	<p>Has this been reported to:</p> <ul style="list-style-type: none"> • the police <input type="checkbox"/> Yes <input type="checkbox"/> No • a professional college <input type="checkbox"/> Yes <input type="checkbox"/> No

DESCRIPTION OF INCIDENT(S)

Please fax the completed form to the Protection for Persons in Care Unit at **(780) 422-8762**
(you can use the Government Rite Line at 310-0000 for long distance calls)

or, you can mail it to:

**Protection for Persons in Care
Alberta Community Development
PO Box 3100
Edmonton, Alberta T5J 4W3**

The reporter will be contacted by phone when the report is received to acknowledge receipt.
Anonymous reports will not be accepted.

If the abuse is criminal in nature, or if a person's life or well-being is in immediate danger, call the police.

Referrals to Police – Protection for Persons in Care

Overview:

Protection for Persons in Care (PPC) works in concert with police services at various stages of an allegation of abuse. If thought to be criminal in nature, an allegation may be reported directly to a police service or at any time during the investigation.

Legislative source:

Protection for Persons in Care Act

*2(1) Every individual or service provider who has reasonable and probable grounds to believe and believes that there is or has been abuse against a client shall report such abuse to the Minister of Community Development or a **police service** or a committee, body or person authorized under another enactment to investigate such an abuse.*

*8(2) Notwithstanding this section, if the Minister or the investigator is of the opinion that the subject matter of the complaint could constitute an offense under the Criminal Code (Canada), the Minister or the investigator must as soon as possible refer the complaint to a **police service**.*

Policy Statement:

Investigations by a police service will take precedence over investigations by PPC investigators.

Initial report of abuse under section 2(1):

- During the initial reporting and discussion of an allegation of abuse to the reporting line, the intake office completes an assessment to determine the type of abuse.

- All types of abuse may be considered as criminal matters - see PPC Bulletin 1 - Duty to Report - attachment 2.
- If determined that the allegation may be a criminal matter, the intake officer inquires if the incident has been reported to the police.
 - If *yes*, the reporter is assured that the reporting requirements of the *Act* have been met by reporting directly to a police service. No further information will be taken and a file number will not be assigned to the report. A notation is made in case proof of reporting is required at a later time.
 - If *no*, the intake officer will take the details like any other reported incident of alleged abuse.

Protection for Persons in Care Unit's role:

- The investigation coordinator will further discuss the matter with the reporter and/or a police service. If it is determined that the matter appears to fall under the Criminal Code, the investigation coordinator will release all of the reported information obtained to the police service.
- The PPC file will be closed and the reporter will be informed in writing of this decision.

Protection for Persons in Care
Box 3100

Edmonton, Alberta T5J 4W3

Tel 780/427-0552

Fax 780/422-8762

Reporting line 1-888-357-9339

Website:

www.gov.ab.ca/mcd/seniors/ppica/ppica.htm

Discovery of possible criminal matters during an investigation:

- If a report/file has been assigned to an external investigator and during the investigation it has been determined that the subject matter may fall under the Criminal Code, the investigator contacts the PPC Unit and informs the Unit that the investigation should be referred to the police.
- The PPC Unit will give written authority to release the initial report and all collected information to the Police. The investigator will deal directly with the police.
- The investigator will inquire of the police whether the investigation should be discontinued or continued but limited to the matters connected with management, administration, or operation of the facility. This is usually done by the PPC investigator informing the police who they would like to interview and what areas they want to explore. Directions will be taken from the police as to whether or not the proposed interviews might compromise their investigation.
- If the PPC investigator does not continue with the investigation, the PPC unit will inform the reporter and the facility that the matter has been turned over to the police.
- The investigator will write a report for the Minister, up to the time the investigation was referred to the police. The investigator does not formulate a decision.
- If the investigation is ongoing by the PPC investigator, the investigator will inform the reporter and the facility of the police's involvement.
- If the investigator has continued with the investigation as it relates to the management, administration or operation of the facility, a conclusion is made regarding the facility's responsibility.

Follow-up of a PPC allegation of abuse referred to the police:

- When a report has been referred to the police, the file is put on hold for 30 days. At that time, the investigation coordinator inquires about the status of the investigation from the attending police officer.
- The file may be held for another 30 days and inquired about again. After 60 days, a letter is sent to the agency and the reporter indicating that the matter was referred to the police and the outcome is given if known.
- If the police have concluded their investigation and have asked PPC to resume the investigation, the allegation continues to be investigated in the normal manner.

Referrals from police:

- On occasion, a police officer has forwarded an allegation of abuse to the PPC reporting line for further investigation in relation to the agency's actions.
- This report is handled in the same manner as other reports.

Purpose

PPC Bulletins are intended to provide individuals with more detailed information for interpreting the *Protection for Persons in Care Act (PPC Act)*. These Bulletins supply information concerning procedures and practices to aid in the effective and consistent administration of the *PPC Act*. PPC Bulletins are not a substitute for legal advice.

Referrals to Professional Colleges – Protection for Persons in Care

Overview:

Protection for Persons in Care (PPC) may work in collaboration with professional colleges at various stages of an allegation of abuse. The allegation may be reported directly to the college or at any time during an investigation.

Legislative source:

Protection for Persons in Care Act

2(1) Every individual or service provider who has reasonable and probable grounds to believe and believes that there is or has been abuse against a client shall report such abuse to the Minister of Community Development or a police service or a committee, body or person authorized under another enactment to investigate such an abuse.

10(1) The Minister may refer a complaint to a committee, body or person authorized under another enactment to investigate the complaint if the matter also falls within the jurisdiction of that committee, body or person.

10(2) If a complaint has been referred to a committee, body or person under this section, that committee, body or person has the powers under section 7, in addition to any other powers, duties and responsibilities the committee, body or person may have.

Policy Statement:

PPC will work collaboratively with committees, bodies, or persons (such as professional colleges) in conducting investigations involving their members.

Protection for Persons in Care

Box 3100

Edmonton, Alberta T5J 4W3

Tel 780/427-0552

Fax 780/422-8762

Reporting line 1-888-357-9339

Website:

www.gov.ab.ca/mcd/seniors/ppica/ppica.htm

Initial report of abuse under section 2(1):

- During the initial reporting and discussion of an allegation of abuse to the reporting line, the intake officer completes an assessment to determine the classification of the alleged abuser.
- If the alleged abuser is identified as a professional, the intake officer inquires if the incident has been reported to the professional college.
 - If yes, the reporter is assured that the reporting requirements of the *Act* have been met by reporting directly to the college. No further information will be taken and a file number will not be assigned to the report. A notation is

made in case proof of reporting is required at a later time.

- If *no*, the intake officer will take the details like any other reported incident of alleged abuse.

PPC Unit's role:

- The investigation coordinator will further discuss the matter with the reporter and/or the college. If it is determined, by confirming registration, that the alleged abuser is a member of the particular professional college and is acting in the capacity of their professional designation, the case is referred to the college in accordance with section 10.
- Note: the first and last name of the alleged abuser must be known to make this referral.
- The reporter and the facility/agency are verbally informed of the referral and the file number.

Discovery during the investigation by a PPC investigator:

- If a report/file has been assigned to a PPC investigator and during the investigation it has been determined that the subject matter involves a member of a professional college whose professional practice is a concern, the investigator should make a recommendation that the person (name of the member and their professional designation) be referred to their professional college.
- The investigator can provide evidence on whether the allegation of abuse is considered upheld or dismissed and make any appropriate recommendations relating to management, administration or the operation of the facility. They cannot make a determination on the professional member's registration or license.

- The Deputy Minister informs the College of the concerns related to its member so the College can take whatever action is required under the College's legislation.
- The College is given the opportunity to review the investigation report compiled by the PPC investigator and copy any information pertinent to its member.

Follow-up of a PPC allegation of abuse referred to a College as a recommendation rather than to the College as an investigating body for PPC:

- While the file is considered closed from the perspective of the *Protection for Persons in Care Act* and the College is not required to provide the Minister with results of its practice review, the Colleges usually do provide follow-up in accordance with their own legislation.
- Alberta Community Development takes no further action.

Cooperation by professional members during investigations:

It is expected that in keeping with their professional ethics, professional members will cooperate with external investigators during Protection for Persons in Care investigations as evidence is gathered. This usually involves providing witness statements.

Purpose

PPC Bulletins are intended to provide individuals with more detailed information for interpreting the *Protection for Persons in Care Act (PPC Act)*. These Bulletins supply information concerning procedures and practices to aid in the effective and consistent administration of the *PPC Act*. PPC Bulletins are not a substitute for legal advice.

