



## Jurisdiction – Protection for Persons in Care

### Overview:

The *Protection for Persons in Care Act* (the *Act*) enables complaints of alleged abuse to be investigated for clients, only when several conditions have been met.

The conditions are:

- 1) The client is an adult.
- 2) The client receives services from an agency.
- 3) The agency that provides the services is an “agency” as defined in the *Act*.
- 4) The alleged abuse arose in the context of the client receiving services from the agency.
- 5) The complainant has reasonable and probable grounds to believe and believes that there is or has been abuse against a client (refer to *Bulletin Number 1*).

Protection for Persons in Care has no jurisdiction to accept complaints or conduct investigations unless *all five conditions* are met.

### Legislative source:

*Protection for Persons in Care Act*

### Client

1(d) “client” means an adult who receives services from an agency.

### Agency

1(b) “agency” means

- (i) an approved hospital as defined in the *Hospitals Act*,
- (ii) a lodge accommodation as defined in the *Alberta Housing Act*,
- (iii) a nursing home as defined in the *Nursing Homes Act*,

- (iv) a facility as defined in the *Social Care Facilities Review Committee Act*, or
- (v) any institution or organization designated by regulation as an agency.

### *Protection for Persons in Care Regulation*

### Institutions and Organizations

1.1(1) The following institutions and organizations are designated as agencies for the purpose of section 1(b)(v) of the *Protection for Persons in Care Act* if the institution or organization is operated by the Government of Alberta or receives part or all of its operating funds, directly or indirectly, from the Government of Alberta:

- (a) a place of care for persons who are aged or infirm or who require special care;
- (b) a hostel or other establishment operated to provide accommodation and maintenance for not less than 4 unemployed or indigent persons;
- (c) an emergency shelter;
- (d) a residential alcohol and drug abuse treatment centre;
- (e) a group home or shelter for physically or mentally handicapped persons;
- (f) a vocational rehabilitation and training centre for physically or mentally handicapped persons.

### Policy Statements:

#### 1. Jurisdiction to Receive Complaints:

**Clients must be receiving services from an agency at the time the alleged abuse occurred.**

Protection for Persons in Care has jurisdiction to respond to complaints of abuse only if the client was receiving services from an agency at the time abuse occurred.

There are two primary circumstances in which a client may be considered receiving services from an agency:

- (i) when the client attends the agency and is physically on site while receiving services; or
- (ii) when a service provider who is an employee, or other individual acting on behalf of the agency, provides services to the client while off the premises.

### 2. Jurisdiction to Investigate Complaints:

**An investigation cannot proceed if it has been determined that the client was not receiving services from an agency at the time the alleged abuse occurred.**

When a complaint is received and it is not known or it is unclear if the client was receiving services from the agency at the time abuse occurred, an investigation may commence. However, the investigation will cease if a determination has been made that the client was not receiving services from an agency at the time abuse occurred, because Protection for Persons in Care does not have jurisdiction to continue to investigate.

### 3. Agency Duty to Protect Clients

**Agencies have a legislated duty to protect the clients they serve from abuse.**

Protection for Persons in Care recognizes that there are many unique agency services provided to clients, not all of which are provided on site at an agency or always in the presence of an employee of an agency.

Section 5(1) of the *Act* sets out that every agency has a duty to protect the clients it serves from abuse and to maintain a reasonable level of safety for its clients. There are some situations where agencies do have a responsibility for the safety of clients, even while the client is off site and/or not in the presence of an employee or other individual acting on behalf of the agency. In these circumstances, the agency may retain overall administrative responsibility for the care or supervision of the client even though the client is not in the direct care of the agency.

For example, some residential services have the responsibility for the provision of support services ranging up to 24-hours per day. A client may be away temporarily on a pass, in transit to another facility, off-site visiting with family members or away and unaccompanied for many other reasons.

Another example is vocational training or community employment services provided by an agency, where a client receives periodic but infrequent outreach support services.

In these examples, the agency has the overall responsibility for the safety and well-being of the client even when the client is off-site and when not in the direct care of an employee or other individual acting on behalf of the agency.

If it is determined that the agency has a direct or indirect responsibility in the provision of care or supervision to a client, then Protection for Persons in Care has the jurisdiction to investigate from the perspective of the agency fulfilling its duty to maintain a reasonable level of safety and to protect clients from abuse.

<p style="text-align: center;"><b>Purpose</b> <i>PPC Bulletins</i> are intended to provide individuals/agencies with more detailed information for interpreting the <i>Protection for Persons in Care Act (PPC Act)</i>. These Bulletins supply information concerning procedures and practices to aid in the effective and consistent administration of the <i>PCC Act</i>. PPC Bulletins are not a substitute for legal advice.</p>
<p style="text-align: center;">Protection for Persons in Care Station M, Box 476 Edmonton , Alberta T5J 2K1 Tel 780/427-0552 Fax 780/415-8611 <b>Reporting line 1-888-357-9339</b> Website: <a href="http://www.cd.gov.ab.ca">www.cd.gov.ab.ca</a></p>