

Anonymous Reporting – Protection for Persons in Care

Overview:

Anonymous reporting has made it difficult to investigate the allegation of abuse and provide follow-up. Therefore, anonymous reports will no longer be taken, especially since the Act has provisions for complainant protection.

Legislative source:

Protection for Persons in Care Act

Complainant Protection

4(1) No action lies against a complainant unless the complaint is made maliciously or without reasonable and probable grounds for the belief.

(2) No agency shall take adverse employment action against a service provider or an employee of an agency because that person is a complainant.

(3) No agency shall alter, interrupt, discontinue or threaten to alter, interrupt or discontinue service to a client, or a client's spouse, child or parent who receives services from an agency because the client is a complainant or is alleged to have been abused.

(4) Any person who violates subsection (2) or (3) is guilty of an offence and is liable

(a) in the case of an individual, to a fine not more than \$5000, or

(b) in the case of an agency, to a fine of not more than \$25,000.

Policy Statement:

Anonymous reports will no longer be accepted.

Protection for Persons in Care
Box 3100
Edmonton, Alberta T5J 4W3
Tel 780/427-0552 Fax 780/415-8611

Reporting line 1-888-357-9339

Website:

www.cd.gov.ab.ca

Investigating anonymous reports:

Investigators have experienced difficulties in commencing investigations when the reporter is unknown to them. It slows the investigation as the facts of the incident are not readily available.

Protection of the complainant's identity:

While anonymous reports are no longer being acceptable, protection for persons in care staff and the investigators do not reveal the name of the complainant during the investigation or at anytime through the process. The agency is **not** given the name of the reporter.

The only time that the name may be revealed is in criminal matters and professional hearings.

Complainants and witnesses do have the right to be investigated off-site in a mutually agreed upon location.

Providing copies of decisions to reporters:

Section 8(6) of the Act requires that a copy of the decision be provided to the agency involved in the complaint and the complainant. When anonymous complaints were accepted, this requirement of the Act could not be fulfilled. As well, anonymous reporters could not prove that they had reported and thus satisfied their legislative duty to report.

Protection of the Complainant:

Section 4 provides protection of the complainant.

No action can be taken against a complainant unless the complaint is made maliciously or without reasonable and probable grounds for the belief.

No agency shall take adverse employment action against a service provider or an employee of an agency because that person is a complainant.

No agency shall alter, interrupt, discontinue or threaten to alter, interrupt or discontinue service to a client, or a client's spouse, child or parent who receives services from an agency because the client is a complainant or is alleged to have been abused.

Any person who violates the above two points is guilty of an offence and is liable - in the case of an individual, to a fine not more than \$5000, or in the case of an agency, to a fine of not more than \$25,000.

Applying penalties for malicious reporting:

While not all anonymous reports are made maliciously, the opportunity to report maliciously is greater when the identity of the reporter is unknown. In the past, there may have been some cases that were maliciously reported but no sanctions could be levied.

Section 11.1 states that a person who makes a complaint under this Act knowing it to be false is guilty of an offence and is liable to a fine of not more than \$2000 and, in default of payment, to imprisonment for a term of not more than 6 months.

Purpose

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