



## **Policy and Procedure Regarding Mistreatment, Abuse, Neglect, and Exploitation of Individuals Served (8.608.8)**

### **Purpose**

The purpose of this policy and procedure is to express A Better Life Experience (ABLE)'s viewpoint concerning the mistreatment, abuse, neglect, and exploitation of an individual served and to identify specific actions to be taken if this is suspected or has occurred.

### **Policy**

Mistreatment, abuse, neglect, or exploitation of any individual served is strictly prohibited within this organization. Each individual served shall be free from any form of mistreatment, abuse, neglect, or exploitation. This shall include protection of any person in service, during the allegation and investigative process. ABLE will ensure that no individual is intimidated, coerced, threatened or retaliated against because the individual makes a report, in good faith, of suspected abuse, mistreatment, neglect or exploitation or assists or participates in any manner in an investigation of such allegations. ABLE will make every effort acknowledging the importance of separating victims from alleged perpetrators if such an incident were to occur. ABLE will provide the victim with any type of support(s) deemed necessary for their ongoing protection and well-being during this time.

Any employee or contractor within this organization who engages in this type of treatment toward a person receiving services will be subject to progressive, consequential remedies, including termination of employment or of the contractual relationship. The Senior Director or President will determine the action to be taken based upon the seriousness of the incident and/or any record of previous occurrences.

All employees and contractors within this organization are required to undergo training in regards to identifying, monitoring for, and reporting instances of mistreatment, abuse, neglect, and exploitation. All employees and contractors within this organization are to be made aware of applicable state laws and agency policies and procedures related to mistreatment, abuse, neglect or exploitation. All employees and contractors within this organization are mandated by law to report suspected mistreatment, abuse, neglect, or exploitation to the police within 24 hours of the occurrence. It is also the policy of this organization to inform the appropriate agencies of situations of abuse or suspected abuse and to cooperate with any subsequent investigation. The following reporting procedures shall apply to all cases of suspected mistreatment, abuse, neglect, or exploitation despite the suspected perpetrator's affiliation with ABLE as an organization. All employees and contractors are expected to cooperate with both internal and external investigative processes.

A Better Life Experience, Inc. is also committed to the implementation of best practices for any and all investigations concerning its employees, contractors or persons in services. ABLE feels all individuals associated with A Better Life Experience, Inc should be granted a fair and unbiased investigation. Please refer to ABLE's Investigative Best Practices Policy and Procedure for more information.

## Definitions

Abuse means an act or failure to act, that results or could result in emotional or physical injury to a person unless the act is done in self-defense or by an accident; an act that constitutes “sexual activity” or a “sexual offense”; the use of insulting or coarse language directed toward a person served.

- Examples of Physical Abuse: Kicking, hitting, slapping or unreasonable use of force.
- Examples of Verbal/Emotional Abuse: Discriminatory remarks, belittlement, name calling, teasing or ignoring someone.

Neglect means failure to provide goods and services (food, clothing, shelter, psychological/medical care, supervision, etc.) necessary for the health, safety, and comfort of persons served by the organization.

- Examples include: An individual not receiving needed medical/dental care, food, clothing, etc. Failure to respond to an emergency.

Mistreatment is an act, or failure to act, that threatens the health, safety, or well-being of a person receiving services.

- Examples include: Not stopping a peer from hitting someone, not filling out an Incident Report about an incident, not contacting police or other emergency service, as necessary.

Exploitation is an improper or illegal action affecting a person or their property or resources for another person’s advantage or profit.

- Examples include: Using a person’s money to buy yourself something, unfair/unpaid labor, using someone to sell drugs, etc.

## Procedure

### I. Verbal Reporting and Assurance of Safety

All alleged, suspected, or actual incidents of mistreatment, abuse, neglect, or exploitation are mandated by law to be reported immediately (as soon as possible, but no longer than 24 hours from the initial knowledge that an incident occurred, or by the end of scheduled shift). Reporting may include verbal and written reports of unusual or dramatic changes in behaviors of persons receiving services; verbal and written reports from persons receiving services, advocates, families, guardians, and friends of persons receiving services. Any instances of mistreatment, abuse, neglect, and exploitation identified or suspected during any monitoring activities will be immediately reported and investigated. Monitoring activities occur at regularly scheduled time frames and include both announced and unannounced visits by more than one ABLÉ representative, to include, but not limited to host home visits, day program activity visits, daily interactions with persons in service and records reviews. Monitoring activities also include quarterly reviews of incident reports to analyze trends and identify potential incidents of mistreatment, abuse, neglect, or exploitation. The service provider who either makes the verbal report or receives an allegation made by an individual receiving services should complete an Incident Report. A Critical Incident Report may accompany the original Incident Report.

#### A. Internal Reporting

Internal reporting is necessary so that staff can ensure the initiation of an immediate investigation and take any additional action that may be required. The individual served,

service providers, family members, volunteers and/or visitors may make reports of mistreatment, abuse, neglect, or exploitation.

1. First, contact the Program Manager. The Senior Director should be contacted if the supervisor cannot be reached or is the suspected perpetrator. If the Senior Director is the suspected perpetrator, the supervisor will contact the President of ABLE.
2. The Program Manager will notify the Senior Director of the suspected incident.
3. The Senior Director will be responsible for ensuring compliance with all external reporting requirements and ensuring that such reports are completed in a timely, complete, and accurate manner.
4. Information from the initial report will be documented immediately along with a description of the suspected incident on an Incident Report form.
5. Should the incident warrant medical attention, it will be sought immediately for the person in service.
6. Written documentation regarding the allegation/incident will be maintained in a confidential area.

#### B. Reports to Outside Investigative Bodies

1. All alleged, suspected, or actual incidents of mistreatment, abuse, neglect, or exploitation will be reported immediately to the appropriate Community Center Board (CCB), or other designated county or state personnel. A copy of the Incident Report must be submitted to the CCB within 24 hours.
2. The ABLE Senior Director and/or Program Manager will immediately (within 24 hours) report the incident to the following:
  - a. The individual's legal guardian or parent (as applicable).
  - b. Local Adult Protective Services agency
  - c. The local law enforcement agency (within 24 hours) when:
    - The individual chooses to exercise that right.
    - Physical injury or assault has occurred.
    - Potential sexual assault has occurred.
    - Suspected M/A/N/E has occurred.
    - Any other reason that is deemed appropriate.
3. The report will consist of a copy of the Incident Report form as well as any additional information pertaining to the follow up and resolution of the investigation.

## II. Internal Investigations and Quality Assurance Reviews

- A. All alleged, suspected, or actual incidents of mistreatment, abuse, neglect, or exploitation will be the subject of a thorough investigation. ABLE will support external agencies in their investigations. ABLE reserves the right to conduct its own internal investigation in the event an external investigation is not conducted. In the event of an internal investigation, the President, Senior Director, or a delegate will conduct the investigation of the reported incident. In the event an external investigation is conducted, ABLE reserves the right to conduct a quality assurance review not to supersede an external investigation, but to serve as incident report follow-up/internal review or as a human resource quality assurance review.

- B. The investigation will include the following components:
1. Individual interviews with the following incident participants in the order indicated (repeat as necessary).
    - a. Alleged victim
    - b. Witness #1
    - c. Witness #2 and additional witnesses if any
    - d. Alleged perpetrator
  2. Review of any evidence of previous abuse, neglect, mistreatment, or exploitation.
  3. Review of any pertinent documentation (letters, policies, attendance sheets, etc).
  4. Review and documentation of physical evidence (bruises, scratches, ripped clothing, etc.).
  5. Review of any other available evidence to determine the veracity and seriousness of the charge.
  6. The investigator is responsible for safeguarding evidence as well as ensuring confidentiality throughout the process.

### III. Written Reporting

- A. Written report(s) of the incident will be submitted to representatives of those agencies listed above (Sections I.B.1-4).
- B. A written report (documented on the Incident Report) shall include at least the following information:
1. The individual subjected to the suspected abuse, neglect, mistreatment or exploitation
  2. The person suspected of abuse, neglect, mistreatment or exploitation
  3. The location of the suspected abuse, neglect, mistreatment or exploitation
  4. The nature and extent of the suspected abuse, neglect, mistreatment or exploitation
  5. Any evidence of previous abuse, neglect, mistreatment or exploitation
  6. A summary of the internal investigation including any conclusions, recommendations or actions taken
  7. All other information that the reporter feels is pertinent or may be helpful in investigating the suspected abuse, neglect, mistreatment, or exploitation
- C. Please see and implement the Policy and Procedures concerning Mandatory Reporting

### IV. Records

- A. All records concerning these matters shall be dated and signed by the person doing the investigation. The records will be stored in the organization's administrative file on abuse and neglect maintained by the Senior Director and will include the following:
1. Summary of findings including any written reports
  2. Incident Report forms
  3. Persons involved
  4. Persons interviewed
  5. Persons and investigation authorities notified

6. Conclusions and any actions taken

V. Investigative Follow-Up

- A. An investigation form will be completed by the Senior Director to ensure all components of the investigative process was accurately completed to conclude the investigation. Action steps include the following, but are not limited to:
1. Receipt of the external or internal investigation with findings
  2. Human Rights Committee Review date and recommendations
  3. Follow-Up actions to prevent future occurrences
  4. Possible rebuttal statements to investigative findings
  5. Actions taken when an allegation against an employee or contractor is substantiated
  6. The date investigative results were shared with the employee or contractor. Disciplinary action, training certificates, etc. will be filed in personnel records.

A Better Life Experience, Inc. will take swift and appropriate actions, at all times, to ensure the safety and well-being of every individual in service.