

Ontario Agencies Supporting Individuals with Special Needs
Agences ontariennes de soutien pour les personnes qui ont des besoins speciaux

February 18, 2011

Ms. Nancy Lytle
Director, Services and Supports Branch
Ministry Community and Social Services
Hepburn Block, 6th Floor
80 Grosvenor Street
Toronto, ON M7A 1E9

Dear Ms. Lytle:

Thank you for your recent correspondence regarding the Quality Assurance Measures. During the implementation of the training for Quality Assurance Measures several concerns have been raised by OASIS member agencies regarding the abuse section of the new regulations and OASIS would appreciate your interpretation of the Regulations in this regard.

It was OASIS' understanding that the reporting of abuse in the Regulations to the police was if the allegation was criminal in nature. The training information gives conflicting details on this as follows:

- Under suspect abuse, the staff can ask non-leading questions and as soon as the individual provides enough information that indicates the allegation of abuse may be criminal in nature stop all discussion, support and call the police. However, if you witness abuse, first intervene, stop the abuse, provide medical intervention if needed, support and immediately report to the police. It does not indicate whether this abuse is criminal in nature.
- In the recap on reporting abuse, the training material states:
 - Ensure there is a clear allegation
 - Ask objective questions, do not ask questions if you witnessed abuse
 - Stop all questioning as soon as there is a clear allegation
 - Call the police

It once again does not indicate the alleged abuse must be criminal in nature.

In conversations with local police departments, many agencies are being told that they should be going ahead with an investigation and that they rely on agencies for their notes and investigations while others are being told to call and then the police will direct or agree to the agency proceeding. Sometimes such as in the case of financial abuse, it may not be uncovered until the agency does some investigating into the issue. Police investigations can often take a considerable amount of time and the employer is left in limbo during this time. What will constitute an investigation being complete - is it that the ini-

tial investigation is done or if criminal intent is found and police are able to lay charges after the court hearings have been held? An employer has less of a burden of proof than the police and may be able to terminate employment based on an internal investigation versus a criminal investigation.

It is also a concern for agency staff as allegations reported to the police, whether found to criminal or not, will show up on a vulnerable sector check. A staff member could be innocent of all allegations and still have the allegation brought to life every time a vulnerable sector check is completed. This will become a significant issue in the recruitment of people into this sector and undermine the work being done in the Human Resource Strategy.

The reporting of allegations to police may have significant repercussions for Board of Directors. It is a requirement to report allegations to your insurance company and will lead to agencies not being covered for liability insurance, and may lead to their insurance being terminated if the risk is deemed to high.

I look forward to your response to this crucial matter at your earliest convenience. The OASIS Executive Committee would also be happy to meet with you to discuss the Quality Assurance Measures.

Sincerely,

Judy Reid
President

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