

It's coming to Developmental Services...

In light of Deliberate Indifference lawsuits and general awareness, our decisions regarding risk will be looked at differently.

- ▶ Knowledge of risk, results in action and due diligence.
 - ▶ Accurately and appropriately responding to risk & predictability of the risk.
 - ▶ Ensuring appropriate preventative measures are in place.
 - ▶ Understanding the legal term and claims for deliberate indifference.
 - ▶ Understanding the types of risk involved.
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Types of Risk that Expose Organizations to Accusations of Deliberate Indifference

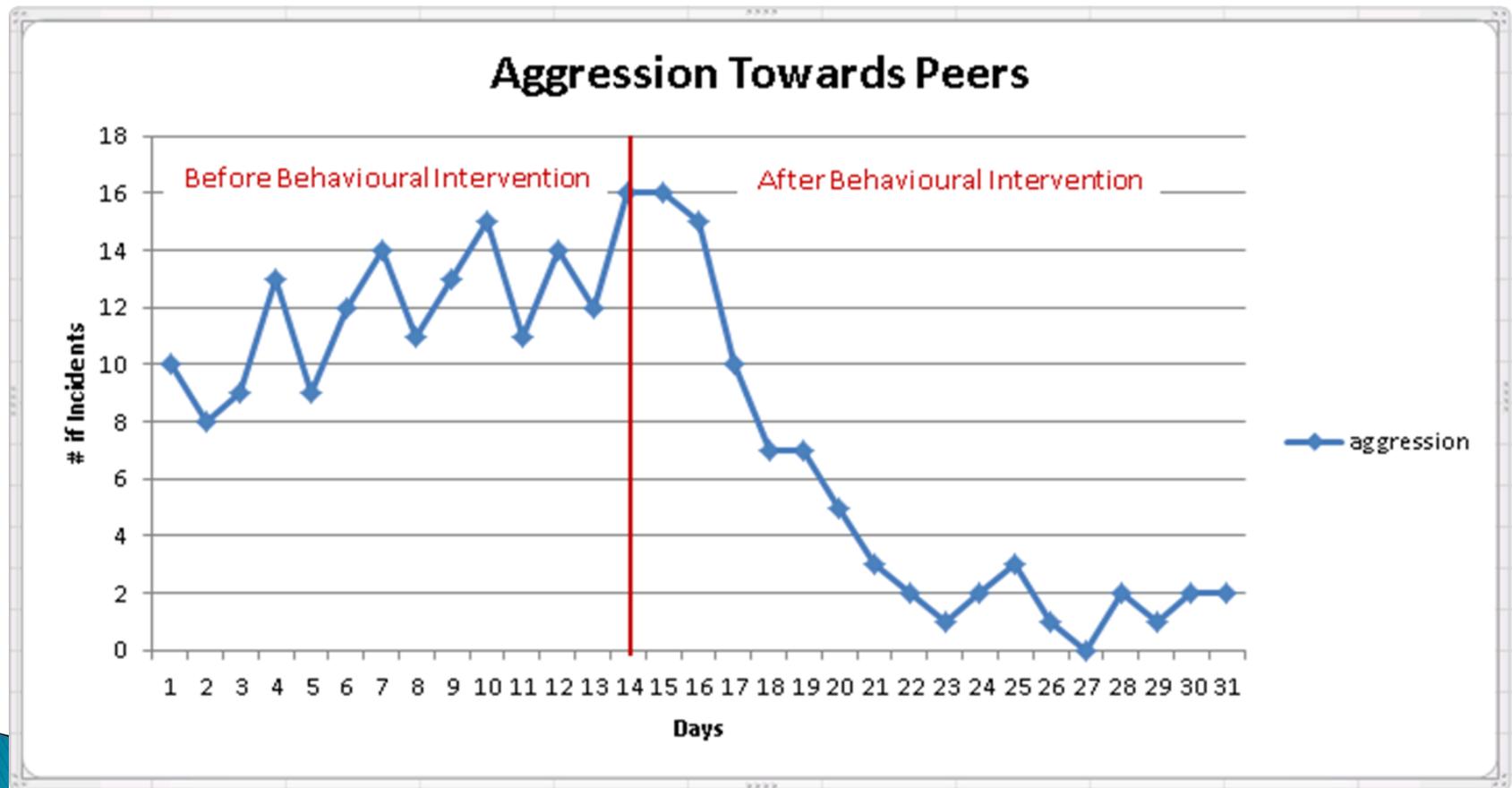
- ▶ Staff to Resident
 - ▶ Resident to Resident
 - ▶ Resident to Staff
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Let's Restate...

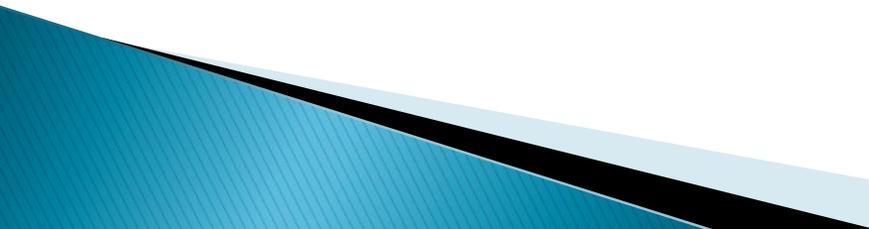
Knowing the existence of the risk, ignoring the risk or not taking action to implement preventative measures, may prove a case of deliberate indifference if harm results.

How To Read Data

Data tells a very human story.



Risk Reduction Plans

- ▶ Identify risk
 - ▶ Provide specific direction on how to reduce and manage that risk through
 - Environmental supports
 - Supervision
 - Staffing approaches
 - Boundaries
 - ▶ Build in evaluation of the plan (i.e. if behaviour or risk changes, if a move occurs, if the behaviour occurs)
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Name of Residence-Risk Reduction Plan

The following resources and strategies have been developed in order to maximize safety and minimize risk for all members that currently reside at the **Name of residence** and the staff who currently support these members. The goal of this plan is to identify and manage potential risks that are present from one or more house members.

Behaviours or Issues Causing Risk: list and define.

Disclaimer: This plan has been designed to meet the safety needs of the current members and staff as a whole. This plan should be updated as often as necessary to address the current safety needs of the members. For example, the plan should be reviewed and updated if the behaviour causing risk occurs; if one of the members with high risk or dangerous behaviours moves to another residence; or, if the behavior profile of one or more of the members change in nature of their risk potential (e.g. a member starts engaging in additional risky behaviours, member is no longer engaging in risky behaviours).

Risk Reduction: Environmental:

Risk Reduction: Supervision:

Risk Reduction: Boundaries:

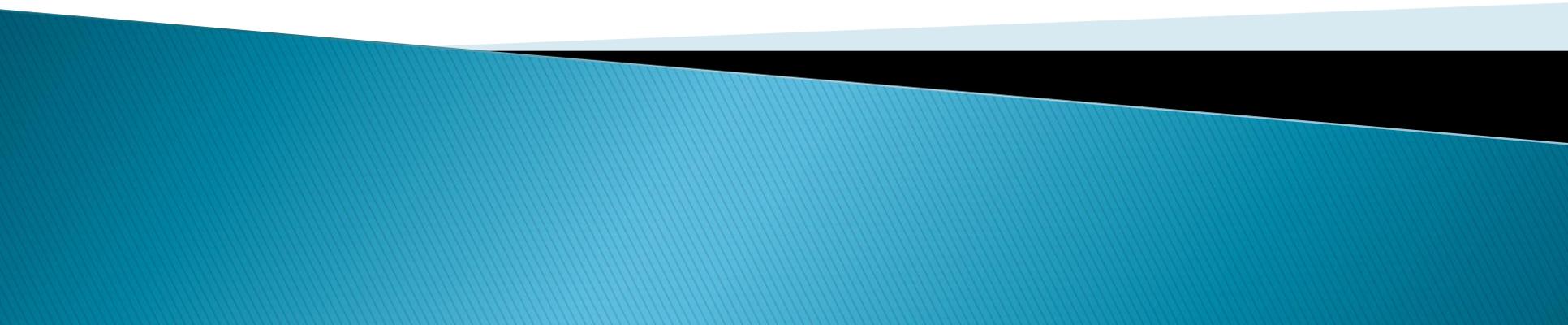
Risk Reduction: Staffing Approaches:

If Member to Member Abuse or Assault Occurs

If one member physically or sexually assaults another member:

- a) Staff will immediately intervene using appropriate techniques (e.g. Safe Management blocking, moving and/or releasing techniques in the case of physical aggression) to ensure the safety of both members.
- b) If the member perpetrating the assault specifically targeted the other individual and the assault resulted in hurt, harm or victimization of that specific individual, then staff will call the police to report the assault as per Vita's abuse policy (Section 5.1 Member to Member Abuse).
- c) If the member perpetrating the assault accidentally hurt another member or was randomly striking out at those in the environment, it will be viewed as a behavioural incident. Staff will immediately contact the behaviour therapist and the incident will be reviewed and this risk reduction plan will be updated in order to reduce the risk of any further harm to anyone as a result of a behavioural outburst. In this case, staff will ask the targeted member if they want to call the police to report the aggression. If the member says 'yes', staff will support the member to call police.

**Case Example:
A Risk Reduction Plan
for Cindy**



Cindy

- ▶ Recent incident where staff found her with a piece of paper pressed up against the burner of the kitchen stove
- ▶ History of fire setting at both her current and previous residences, having successfully set fire to her mattress and bedroom window curtains, and has burned items such as paper and dry leaves with her lighter and with her lit cigarette.
- ▶ Collects items that could be used to start a fire; staff have occasionally found lighters in her laundry basket and coat pockets.
- ▶ Lighters are now kept locked up however staff continue to find lighters hidden in Cindy's room
- ▶ Cindy has attempted to take staff's keys in order to unlock the cupboard where her lighters are kept.
- ▶ Cindy smokes approximately ½ a pack per day and is currently directed outdoors to smoke both at home and at her day program.
- ▶ Cindy lives at home in a supported living residence, with two room-mates. There are two staff on shift through out the day and one overnight staff.

Cindy

- ▶ Whose safety is at risk?
 - ▶ What are the risk factors affecting safety?
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Cindy – Risk Reduction Plan

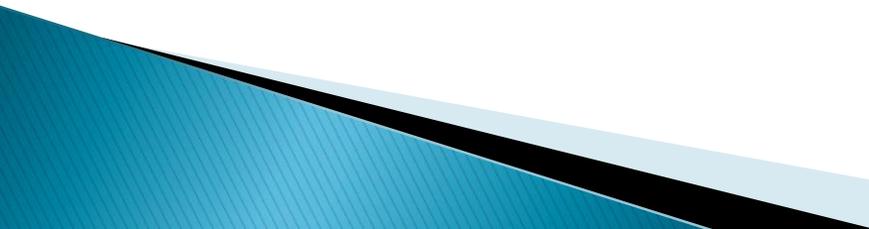
Behaviours or Issues Causing Risk

Fire Setting – Cindy may attempt or successfully set fire to any flammable object with a lighter, lit cigarette, stove element or other fire setting tools.



Risk Reduction:

Environmental

- ▶ In addition to the current smoke alarms in the house, a working smoke alarm will be installed and maintained in Cindy's bedroom and will be checked monthly to ensure it is in working order.
 - ▶ All lighters belonging to Cindy or staff in the home or day program, as well as any fire related household items such as barbeque lighters or matches will be kept locked up and a lighter will be given to Cindy to use under staff supervision to light her cigarette and then locked up again immediately afterwards (at day program and at home)
 - ▶ Staff will keep keys clipped on their person at all times, using a retractable cord to ensure that keys are not removed from their person when being used.
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Environmental Continued

- ▶ Staff will perform a daily bedroom search during the week and when she is engaged in an activity outside of her bedroom on the weekends (to reduce levels of anxiety due to watching staff perform the search). Cindy will be informed by the house supervisor, prior to the implementation of the plan, that these searches will take place as a condition of her continued residence in the home.
- ▶ If lighters or other items that indicate increased risk are found, a second daily search will be implemented in the evening just before Cindy goes to bed (this will be discussed with the supervisor and behaviour therapist prior to implementation)
- ▶ When the stove is not in use staff will turn off the breaker for the stove.
- ▶ Cindy will not have curtains on her bedroom windows, instead she can choose frosted glass or blinds.

Supervision

- ▶ Cindy will be supervised by staff with eyes on at all times while smoking at home and at day program
- ▶ Cindy will be supervised by staff with eyes on while in the community where she may have access to lighters or matches (e.g. in stores, near other smokers).
- ▶ Cindy will be supervised by staff at all times when in the kitchen

The supervisor and the behaviour therapist will be informed immediately of any incidence of attempted or successful fire setting. Should further incidents occur, this plan will be reviewed within 24 hours and further safety procedures will be put in place.

Small Group Activity

Using the template provided, develop a Risk Reduction Plan for either AJ or Sean.

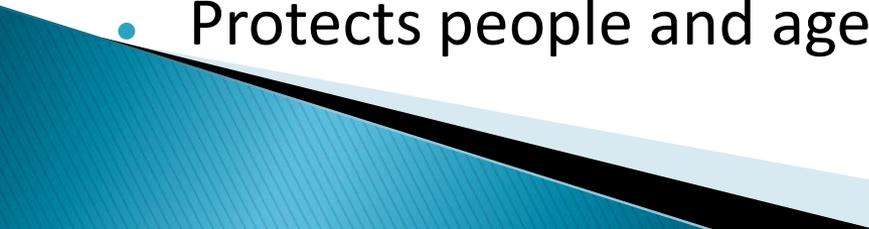
Before beginning ask yourselves these questions:

Whose safety is at risk?

What are the risk factors affecting safety?



What Does Risk Reduction Planning Do?

- Makes us cognizant of the risk that people are exposed to
 - Makes us look at the people who are at risk because of our decisions (people with disabilities, staff, people in the community)
 - Requires us to plan for risk for all exposed
 - Communicates that we recognize the risk, that we are working to manage and decrease the risk, and that we care about people with disabilities and the staff who could get hurt
 - Protects people and agencies
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References

Boyle, T. 2013. Scarborough Nursing Home 'Failed to Protect Residents'. Toronto Star, November 24, 2013.

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