

# Adult Protection: Abuse, Neglect or Self-Neglect of Vulnerable Adults

## 1. Introduction

---

### *Description*

The purpose of this policy is:

- To ensure that VCH is fulfilling its responsibilities as a Designated Agency (DA) under the Adult Guardianship Act, and
- To ensure that all adults experiencing abuse, neglect or self-neglect, who are vulnerable have access within VCH to the appropriate services and supports.

### *Scope*

This policy is meant for staff and programs (direct and contracted) providing service on behalf of VCH whether the suspected abuse, neglect, or self-neglect takes place in a program providing services by or on behalf of VCH, a public place, in the adult's home, a relative's home, or any other place other than a correctional centre.

## 2. Policy

---

### *2.1. Designated Response*

Operational Leaders ensure that all programs and services have an identified Designated Response protocol, procedure and associated staff response, within the program or in confirmed partnership with other programs, to identify, receive, and act on reports of suspected abuse, neglect, or self-neglect of vulnerable adults (“report of an AGA case”).

### *2.2. Staff Identified as Designated Responder (DR) or Designated Responder Coordinator (DRC)*

VCH employees who investigate and act on a Report of an AGA Case<sup>1</sup> must:

- a) be a registrant of the BC College of Social Workers, or
- b) be authorized under the Health Professions Act to practice as one of the following professions:

---

<sup>1</sup> “**Report of an AGA Case**” refers to any situation in which an adult **is suspected** of being:

- a) subject to abuse, neglect, or of self-neglect, and
- b) unable to seek support and assistance because of:
  - i. physical restraint,
  - ii. a physical handicap that limits their ability to seek help, or
  - iii. an illness, disease, injury or other condition that affects their ability to make decisions about the abuse or neglect.

- (i) Registered Nurse,
  - (ii) Occupational Therapist,
  - (iii) Registered Psychologist, or
  - (iv) Registered Psychiatric Nurse; and
- c) be authorized by their Operations Director or Manager to serve in this role, in consultation with their Professional Practice Lead or clinical supervisor; and
  - d) have completed specific Designated Responder (DR) training and/or demonstrate competencies as identified in the VCH Adult Protection Response Framework.

### **2.3. Collective Responsibility**

Every person employed or otherwise providing services on behalf of VCH who becomes aware of a situation in which it is suspected that a vulnerable adult is abused, neglected or self-neglected reports to and engages the appropriate Designated Responder, Designated Responder Coordinator, or supervisor (for referral to DR or DRC) according to Community of Care procedures and protocols.

### **2.4. Specific responsibilities concerning abuse, neglect or self-neglect of vulnerable adults**

As a designated agency under the AGA, Vancouver Coastal Health protocols and services attend to the responsibility of VCH to:

- a) Receive and document all reports of suspected abuse, neglect or self-neglect, maintaining confidentiality of restricted information;
- b) Investigate and determine whether the adult requires support and assistance and/or protection.
- c) Determines if the adult meets the criteria as a Confirmed AGA Part 3 Case within the *Adult Guardianship Act* and/or may be provided support and assistance in other statutes including, but not limited to, the *Mental Health Act*, *Patients Property Act*, *Power of Attorney Act*, *Health Care (Consent) and Care Facility (Admission) Act*, or the *Representation Agreement Act*;
- d) Involve the adult as much as possible;
- e) Report the facts to the police if there is reason to believe that a criminal offence has been committed against an adult who meets the criteria of Section 46 of the *Adult Guardianship Act*;
- f) Refer the adult to available services;
- g) Assist the adult in obtaining the services;
- h) Apply appropriate tools under the *Adult Guardianship Act*, including use of the emergency intervention measures and creating Support and Assistance Plans;

- i) Ensure awareness and involvement of Client Relations and Risk Management and ReAct when DRs or DRCs are contemplating an application for a Court Order;
- j) Comply with requirements for data collection and reporting.

## **2.5. Procedures**

Operational Units/Programs within VCH will develop local procedures and protocols to ensure investigation and intervention in reports of abuse, neglect, and self-neglect to comply with this policy and with the legislation.

VCH will establish and maintain appropriate relationships with other agencies involved in adult protection work, such as the police, Public Guardian and Trustee, Community Response Networks and Community Living BC and other Designated Agencies.

## **2.6. Responsibilities**

### **2.6.1. Chief Executive Officer**

Ensures that all components of VCH consistently and effectively fulfill the statutory obligations as a Designated Agency.

### **2.6.2. Chief Operating Officer/Vice President**

Ensures that all programs and services within their operational units develop and sustain a Designated Response Protocol.

Ensures availability of Adult Protection Response at all times (24/7), locally or in concert with VCH partners.

Appoints Adult Protection Clinical Lead(s) for the CoC or specific sites or programs.

### **2.6.3. Operations Directors and Managers**

Ensures DA statutory obligations are met per AGA within the portfolio.

Appoints and ensures preparedness of Designated Responder Coordinators and Designated Responders within their portfolio and ensures that ReAct Adult Protection Program is aware of changes in role.

### **2.6.4. Adult Protection Lead and Clinical Lead**

Ensures DRCs/DRs are supported and competent to fulfill their responsibilities in investigating and intervening in suspected cases of adult abuse, neglect or self-neglect.

Provides specialized education and clinical consultation to Designated Responder Coordinators and Designated Responders within their identified portfolios, and ensures DA statutory obligations are met per AGA within the CoC.

Advises the ReAct Adult Protection Program of the Designated Responders and Designated Responder Coordinators within their catchment area.

#### 2.6.5. Designated Responder Coordinator

Identifies, receives, and coordinates investigation of reports of suspected abuse, neglect and self-neglect of vulnerable adults, determining and coordinating the least intrusive most effective intervention and means of support within the legal framework and attentive to client and staff safety.

Provides education and clinical consultation to Designated Responders and other staff when required within their identified portfolios, and ensure DA statutory obligations are met per AGA within the CoC.

If there is no Adult Protection Lead appointed, the DRC advises the ReAct Adult Protection Program of the Designated Responders and Designated Responder Coordinators within their catchment area.

Specific notification and privacy responsibilities:

- a) Working in collaboration with ReAct and other partners (health records, operations, Legal/FOI) implements processes to ensure restriction on information obtained within an AGA investigation so that none is to be shared beyond the immediate care team or designated staff without confirmation by the Designated Responder Coordinator supervising (or having supervised) the investigation;
- b) Adult protection/guardianship documentation system flags/alerts should be utilized if available;
- c) Advises ReAct concerning Apprehensions utilizing AGA Section 59 Emergency Provisions;
- d) Consults Client Relations and Risk Management and ReAct when contemplating an application for a Court Order.

#### 2.6.6. Designated Responder

Identifies, receives, and investigates reports of suspected abuse, neglect and self-neglect of vulnerable adults, determining and coordinating the least intrusive most effective intervention and means of support within the legal framework and attentive to client and staff safety.

Fulfills the same specific notification and privacy responsibilities as DRCs.

Consults with DRC on Adult Protection cases under investigation.

Identifies and places a notation on the record for any Report of an AGA Case “AGA investigation – do not disclose” and utilizes documentation system flags/alerts where they are available.

#### 2.6.7. All staff

Every person employed or otherwise providing services on behalf of VCH who becomes aware of a situation in which it is suspected that a vulnerable adult is

abused, neglected or self-neglected reports to and engages the appropriate Designated Responder, Designated Responder Coordinator, or supervisor (for referral to DR or DRC) according to Community of Care procedures and protocols.

#### 2.6.8. Director, ReAct Adult Protection Program

Supports the Designated Response Framework with education, consultation, and situation management, including facilitation of legal assistance in seeking Court intervention.

Serves as the lead staff resource and coordinator for inter-agency communication and regional system development and refinement on matters related to the Adult Guardianship Legislation and adult protection generally.

#### 2.6.9. ReAct/AGA Coordinating Committee (CoC)

Ensures protocol development, case consultation, professional development, education and systemic responses are consistent with VCH policy. Provides opportunity to develop local communities of practice for adult protection work across programs and with community providers, and to identify and discuss opportunities for system improvement. The ReAct Adult Protection Program supports Coordinating Committees in various ways, including administrative support, co-chairing, and information sharing.

#### 2.6.10. Regional Adult Protection Sustainment Committee

Provides stewardship for the implementation and sustainment of VCH policy “Adult Protection: Abuse, Neglect and Self-Neglect of Vulnerable Adults”.

Monitors and maintains effective sustainment of the Adult Protection Framework.

Identifies solutions to gaps in service delivery and systems.

Advises regionally and engages across all constituencies/sectors to promote awareness, vigilance, and compliance.

Measures and reports on the number and disposition of Reports of AGA cases, and the effectiveness of adult protection processes and interventions.

## 2.7. Compliance

As a Designated Agency, it is the responsibility of VCH and CoCs to have in place mechanisms for identifying and intervening in situations of abuse, neglect and self-neglect, as detailed in this policy. In order to monitor and ensure compliance with the policy:

- a) The appointment and demonstrated competencies of Designated Responders and Designated Responder Coordinators will be updated annually by the operational and adult protection clinical leaders in each Community of Care, and

Individual cases indicating the opportunity for system learning will be reviewed under the appropriate mechanism of VCH (e.g. CoC Coordinating Committees, Regional Adult

Protection Sustainment Committee, Incident Management, or others).

### 3. References

---

#### *Tools, Forms and Guidelines*

- [VCH Adult Protection Framework 2.0](#) (attached as [Appendix A](#) for convenience)
- [Act on Adult Abuse and Neglect: A Manual for VCH Staff](#)
- [AGA Certificate of Emergency Intervention](#)
- [AGA Certificate of Emergency Intervention Protocol for Use](#)
- [AGA Emergency Intervention Flow Chart](#)
- [Capability and Consent Tool, BC Edition](#)
- [Special Safety Alert and Plan](#)
- [Standard Operating Procedure for SPG Incapability Assessments](#)
- [VC Ethical Decision Making Framework and Process](#)
- [VC Risk Assessment tool](#)
- [VC AOA Program Practice Guideline – Adult Abuse and Neglect](#)
- [A Guide to the Certificate of Incapability Process under the AGA \(Provincial Guide\)](#)
- See also ReAct [intranet](#) and [internet](#) resources

#### *Related Policies*

- [Consent to Health Care](#)

#### *Keywords*

abuse, adult guardianship act, adult protection, AGA, censoring, crime, criminal, denial, designated agency, designated responder, designated responder coordinator, elder, elder abuse, humiliation, incapable, incapacity, incompetent, intimidation, manipulate, neglect, physical assault, Public Guardian and Trustee, ReAct, self-neglect, sexual assault, violence, vulnerable, withhold

#### *Definitions*

“**Abuse**” means the deliberate mistreatment of an adult that causes the adult:

- (a) physical, mental or emotional harm, or
- (b) damage to or loss of assets, and includes intimidation, humiliation, physical assault, sexual assault, overmedication, withholding needed medication, censoring mail, invasion or denial of privacy or denial of access to visitors.

“**Adult**” means anyone who has reached 19 years of age.

This material has been prepared solely for use at Vancouver Coastal Health Authority (VCH). VCH accepts no responsibility for use of this material by any person or organization not associated with VCH. A printed copy of this document may not reflect the current, electronic version on the VCH Intranet.

“**Adult Protection**” refers to the assessment and response to reports of vulnerable adults who may require supports and services to protect them from abuse, neglect or self-neglect. It includes utilization of mechanisms from the broad legal framework for adult protection in BC as defined below.

“**Community of Care**” means an operational entity with Vancouver Coastal Health providing direct service to clients (e.g. Richmond Health Services, Coastal, Vancouver-Acute, Vancouver - Community, or VCH-Corporate).

“**Confirmed AGA Part 3 Case**” refers to any situation in which an adult **is confirmed** of being:

- (a) subject to abuse, neglect, or of self-neglect, and
- (b) unable to seek support and assistance because of:
  - i. physical restraint,
  - ii. a physical handicap that limits their ability to seek help, or
  - iii. an illness, disease, injury or other condition that affects their ability to make decisions about the abuse or neglect.

“**Confirmed AGA Cases**” includes all cases in which the adult is confirmed ‘yes’ to points a) and b), irrespective of nature of support and assistance offered.

“**Designated Agency**” means a public body, organization or person designated under section 61(a.1) of the *Adult Guardianship Act* for the purposes of that Part.

“**Designated Responder**” a person within VCH who has been assigned by their program area and undergone established adult protection training who is responsible to investigate, and if necessary intervene, concerning reports of vulnerable adults suspected of being abused, neglected or self-neglected utilizing the broader legal framework.

“**Designated Responder Coordinator**” is a person within VCH who has the responsibility for receiving and ensuring the investigation of reports and ensuring the obligations of the Designated Agency are met and for providing clinical consultation and education to Designated Responders.

“**Legal Framework**” the statutory basis for providing the most effective and least intrusive means of support to fulfill the obligation as a Designated Agency under the *Adult Guardianship Act*, including use of the emergency intervention measures, creating Support and Assistance Plans and accessing court orders as necessary, and/or the protective measures in other statutes including, but not limited to, the *Mental Health Act*, *Patients Property Act*, *Power of Attorney Act*, *Health Care (Consent) and Care Facility (Admission) Act*, *Representation Agreement Act*, *Continuing Care and Assisted Living Act*, and the *Criminal Code of Canada*.

“**Neglect**” means any failure to provide necessary care, assistance, guidance or attention to an adult that causes, or is reasonably likely to cause within a short period of time, the adult serious physical, mental or emotional harm or substantial damage to or loss of assets, and includes self-neglect.

“**Operational Unit**” means a geographic or program based collection of services and providers; these may include Community of Care, programs, etc.

“**Report of an AGA Case**” refers to any situation in which an adult **is suspected** of being

- (a) subject to abuse, neglect, or of self-neglect, and
- (b) unable to seek support and assistance because of:
  - i. physical restraint,
  - ii. a physical handicap that limits their ability to seek help, or
  - iii. an illness, disease, injury or other condition that affects their ability to make decisions about the abuse or neglect.

“**Report of an AGA Case**” includes those cases identified by reports made by members of the public as well as those identified by VCH staff as warranting investigation and followup.

“**Self-neglect**” means any failure of an adult to take care of himself or herself that causes, or is reasonably likely to cause within a short period of time, serious physical, mental or emotional harm or substantial damage to or loss of assets, and includes:

- (a) living in grossly unsanitary conditions;
- (b) suffering from an untreated illness, disease or injury;
- (c) suffering from malnutrition to such an extent that, without an intervention the adult’s physical or mental health is likely to be severely impaired;
- (d) creating a hazardous situation that will likely cause serious physical harm to the adult or others or cause substantial damage to or loss of assets, and
- (e) suffering from an illness, disease or injury that results in the adult dealing with his or her assets in a manner that is likely to cause substantial damage to or loss of the assets.

“**Vulnerable Adult**” is anyone who has a reduced capacity to look after their own interests, needs and well-being and therefore may be at risk of abuse and neglect. This includes individuals with physical, sensory, mental health and intellectual disabilities, as well as some frail seniors and adults whose circumstances render them more susceptible to harm from themselves or others.

**Questions**

Contact: [ReAct Adult Protection Program](#) & [Regional Client Relations and Risk Management](#)

Issued by:		
Name: <u>Dr. Patrick O'Connor</u>	Title: <u>Vice President, Medicine, VCH</u>	Date: <u>April 4, 2016</u>
Signature of issuing official		

This material has been prepared solely for use at Vancouver Coastal Health Authority (VCH). VCH accepts no responsibility for use of this material by any person or organization not associated with VCH. A printed copy of this document may not reflect the current, electronic version on the VCH Intranet.



Appendix A: VCH Adult Protection Framework 2.0

## VCH Adult Protection Framework 2.1 – Nov. 28, 2018



	Role	Responsibility	Competencies* - The ability to...	Educational Supports ** to achieve competencies	Organizational Supports
Formally appointed Designated Response	Director, ReAct	<b>Regional Leadership</b>	<ul style="list-style-type: none"> <li>Coordinate &amp; sustain, track &amp; report regional response</li> <li>Develop tools, education, supports &amp; guidelines</li> </ul>	Ongoing Professional Development	Manager - ensures cases are identified and assigned to a DR per Abuse, Neglect & SN of Vulnerable Adults Policy, ReAct Adult Protection Essentials for Managers Online Course.  Professional Practice and Clinical Education  AGA Coordinating Committees / Regional Adult Protection Committee  VCH Operations  ReAct, CRM, Legal, & Communications
	Identified Adult Protection Leads	<b>Provide clinical &amp; procedural expertise</b>	<ul style="list-style-type: none"> <li>Describe process of investigation and relevant legislation to guide DRCs, DRs and other team members</li> <li>Critically analyze multi-system assessment and care planning</li> <li>Assist with the court process to access legal remedies under AGA, in collaboration with ReAct and Risk Management</li> <li>Communicate and translate information to DRCs, DRs, and other relevant stakeholders</li> <li>Promote an effective and responsive AG infrastructure</li> </ul>	ReAct Adult Protection Curriculum Advanced (10-11) Minimum for APL <ul style="list-style-type: none"> <li>Module 10 - Preparing to go to Court</li> <li>Module 11 - Vicarious Trauma and Compassion Fatigue</li> <li>Other Conferences/Training for PD</li> </ul>	
	Designated Responder Coordinators (DRC)	Provide clinical consultation, education, & ensure DA statutory obligations are met per AGA	<b>Describe, apply, mentor &amp; coach advanced practice in:</b> <ul style="list-style-type: none"> <li>The application of ethical decision making framework and legal principles</li> <li>Liaison with police and other community agencies</li> <li>Application of legislation and policy in emergency interventions</li> <li>Development and implementation of Support &amp; Assistance Plans &amp; other intrusive protection mechanisms</li> <li>Incapacity assessments as they relate to various legal tools</li> </ul>	Intermediate (6-9) Minimum for DRC <ul style="list-style-type: none"> <li>Module 6 - Ethical Decision Making in A,N,SN</li> <li>Module 7 - Capability, Consent, &amp; Vulnerable Adults</li> <li>Module 8 - Using Emergency Interventions</li> <li>Module 9 - Working with Police</li> </ul>	
	Designated Responders (DR)	<b>Investigate, intervene, &amp; coordinate within the legal framework</b>	<ul style="list-style-type: none"> <li>Describe AGL, protocols &amp; policies of the organization and their regulatory body</li> <li>Describe roles of DR and DRC</li> <li>Investigate abuse, neglect, self-neglect</li> <li>Coordinate/conduct comprehensive assessments (cognitive, psychosocial, functional)</li> <li>Describe family dynamics, dynamics of abuse, and risk factors</li> <li>Apply the authority under AGL to investigate and intervene</li> <li>Differentiate between Domestic Violence and AGA</li> <li>Care plan utilizing the most effective &amp; least intrusive principles of AGL</li> <li>Interview vulnerable adults, family members, caregivers, and others</li> </ul>	Basic (1-5) – Minimum for DR <ul style="list-style-type: none"> <li>Module 1 - Overview of Legislation &amp; Documentation (Online)</li> <li>Module 2 - Conducting an Investigation (Online)</li> <li>Module 3 - Self-Neglect</li> <li>Module 4 - Financial Abuse</li> <li>Module 5- Care Planning for Vulnerable Adults</li> </ul>	
Overall Organization Response	Clinicians in Programs more likely to encounter A, N, SN	Screen for and report to DR / DRC suspected abuse, neglect and self neglect	<ul style="list-style-type: none"> <li>Screen for abuse, neglect and self-neglect in vulnerable populations</li> <li>Screen for ability to seek support and assistance</li> <li>Identify cases and gather immediately accessible information indicating need for further assessment</li> <li>Consult appropriately and refer to Designated Responder or DRC</li> <li>Record and document observations and protect collateral sources per AGA</li> </ul>	<ul style="list-style-type: none"> <li>Clinicians Screen &amp; Report Course (3 hr in person session available through LearningHub)</li> <li>In Service Education</li> </ul>	
	All VCH Clinical Staff & Staff/Agencies providing clinical services on behalf of VCH	Recognize and report to DR or DRC suspected abuse, neglect and self neglect	<ul style="list-style-type: none"> <li>Recognize the risk factors which make adults more likely to experience abuse, neglect &amp; self-neglect</li> <li>Recognize factors that make adults unable to seek support &amp; assistance</li> <li>Know who is the DR &amp; DRC for the program area</li> <li>Locate and familiarize self with local protocols for reporting abuse, neglect and self-neglect</li> </ul>	<ul style="list-style-type: none"> <li>Re:Act: Act on Abuse and Neglect -It's Your Duty (Online Module)</li> </ul>	
	All VCH Staff & Staff/Agencies providing services on behalf of VCH	Recognize and Report abuse, neglect and self neglect	<ul style="list-style-type: none"> <li>Recognize indicators of abuse, neglect and self-neglect</li> <li>Articulate role as a health authority employee/provider when becoming aware of a situation of abuse, neglect or self-neglect</li> <li>Describe who to report to and how to report suspected abuse, neglect and self neglect situations</li> </ul>	<ul style="list-style-type: none"> <li>Regional Orientation Online – ReAct to Adult Abuse</li> </ul>	

\* Adult Protection work involves attention to various legislation: the AGA, Representation Agreement Act, Power of Attorney Act, Patients Property Act, Mental Health Act, Continue Care Assisted Living Act & other relevant statutes

\*\*each level builds on the level below