

**South Fraser CRN Regional Community Protocols
(Delta, Surrey, White Rock)**

Part Four: (December 5, 2003)

Responding to Individual Situations of Adult Abuse, Neglect or Self-Neglect

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1. Guiding Principles of the Adult Guardianship Legislation

The following points of reference taken from the British Columbia Adult Guardianship Legislation Part Three highlight the key concepts and guiding principles held within the framework of the legislation.

- a) All adults are entitled to live in the manner they wish and to accept or refuse support, assistance or protection as long as they do not harm others and they are capable of making decisions about those matters; and
- b) Adults are presumed to be capable of making decisions about personal care, health care, legal matters or about the adult's financial affairs, business or assets.
- c) An adult's way of communicating with others is not grounds for deciding that he or she is incapable of making decisions.
- d) All adults should receive the most effective, but least intrusive, form of support, assistance or protection when they are unable to care for themselves and their assets; and
- e) The court should not be asked to appoint, and should not appoint, decision makers or guardians unless alternatives such as the provision of support and assistance have been tried and carefully considered.

2. Responding to Requests for Assistance

The following guidelines will be used to facilitate CRN members responding to reports of abuse or neglect. It is important to appreciate that even if the member who responds to the call for help is not in a position to directly offer assistance, they are expected to refer the matter to someone who can be of support. Guidelines include:

- Ascertain how we can be of help
- Offer the opportunity to be referred
- Provide follow-up to ensure that referral was received.

CRN members may also offer informal support, such as peer support, friendly visiting or advocacy. Depending on the situation, this may be all that is necessary to provide the adult with information and support to make choices and to take actions that will change the situation

3. Guidelines for Making Referrals

Because people experiencing abuse, neglect, or self neglect may have limited opportunities to seek help, CRN members will attempt to obtain the following information in order to obtain an appropriate and timely response.

- a) The urgency of the situation with regards to personal safety. Is it an emergency?
- b) The details associated with the situation.
- c) The location of the individual in question
- d) Identify who is currently assisting the individual in question

In situations where we have concerns that the adult may not be able to get connected to assistance on their own, we will ask their permission to contact the person or agency we think can offer assistance. We will then pass on their name, and a brief description outlining the dynamics associated with their situation.

If the adult does not give this consent, we will consider our moral and legal obligation to report the matter to the appropriate designated agency.

4. Guidelines for Making Referrals to Designated Agencies.

Although there are no mandatory requirements to report abuse or neglect, we feel there is a moral societal obligation to support people to get assistance.

- a.) We will report to the appropriate designated agency whenever we encounter a situation in which we have any concerns about the adult's ability to seek support and assistance on their own, particularly if that inability to seek assistance is due to a physical restraint, handicap, language barrier, illness, disease, injury or other limitations.
- b.) We recognize that it is not necessary to refer all calls to a designated agency. In many situations, other organizations in our community will be able to offer effective and appropriate services and support.

5. Making Referrals to the Police

CRN members will ensure that adults are connected with the appropriate designated Agency whose role it is to report criminal offences to the police.

In emergencies CRN members will call the police emergency number directly, or take other steps to ensure that the police are contacted. It is understood that we maintain a zero tolerance for adult abuse and neglect and will take related criminal offences seriously.

6. Conducting Follow-up after Referrals

The central reason for conducting follow-up on referrals is to ensure that the adult has received assistance.

Because confidentiality prevents designated agencies from sharing private information about referrals, CRN members who make referrals will follow-up to validate whether the adult has received assistance. This could happen when the designated agency to which the call was referred phones back to confirm that they were able to offer assistance, or when the person making the referral checks back to make sure that some action was taken.

7. Obtaining Information From the Adult

The following suggestions frame the approaches that should be incorporated when obtaining information either from the adult or from the individual inquiring on behalf of an adult.

- a.) Inquire how they need assistance
- b.) If possible, talk directly with the adult. A face-to-face meeting is preferable but not required. The meeting should not take place in the presence of someone suspected of abusing or neglecting the adult.
- c.) Find out from the adult if there are trusted people who might help including advocates and service providers. Get the adult's permission to speak to them.
- d.) Find out if the adult has a Representation Agreement.
- e.) Communicate with the adult in a way that is appropriate to his or her skills and abilities, language and culture.
- f.) Wherever possible we will ask the adult to identify supportive people in their life who they would like to have involved. In order to maintain the adult's privacy and safety, we will only share as much information with these individuals as they need to know.

8. Obtaining, Recording and Disclosing Information

Whenever possible, information should be obtained from the adult involved.

- a) Section 62(1) of the *Adult Guardianship Act* gives the Public Guardian and Trustee and designated agencies the right to any information that is necessary to enable them to carry out the roles assigned to them by the Act. Anyone who has information that a designated agency or the Public Guardian and Trustee is entitled to is obligated to disclose it.
- b) Whenever possible, the adult should be asked for permission to release information about themselves. Designated agencies or the Public Guardian and Trustee must not disclose information they have obtained under the *Adult Guardianship Act* unless required to do so in order to perform their duties or functions under the act.

- c) The concept of ‘consistent purpose’ is introduced in the *Freedom of Information and Protection of Privacy Act* (s.34). The rule is that information that was collected for one purpose can be disclosed if it is to be used for a consistent purpose that has a reasonable and direct connection and is necessary for performing statutory duties or for operating a program.
- d) Information that was initially collected for the purpose of dealing with abuse can be shared with another agency working to address that abuse. Information that was collected under a different program for other purposes, such as determining financial eligibility, cannot be regarded as a consistent purpose and information should not be disclosed.
- e) Information may be disclosed to law enforcement agencies for law enforcement purposes.

9. Supports Available to Assist an Adult Who is Unable to Remain in their Home

The following supports are available in our community, and will be considered as potential resources when an adult is unable to remain in their own home:

This section will be identified according to each CRN area

10. Confidentiality, Immunity from Legal Action and Employment Protection

The Adult Guardianship Act protects people who report adult abuse or neglect according to the following guidelines.

- a.) **Confidentiality:** When a report is received it is treated as strictly confidential. The name of the person who reports, or any information that would identify that person, cannot be disclosed (s. 46 (2))
- b.) **Immunity from legal action:** Section 46 (3) of the Act says that no action for damages may be brought against a person for making a report or for assisting in an investigation, unless the person made the report falsely or maliciously.
- c.) **Employment protection:** Under Section 46(4) of the Act, employees cannot be fired, disciplined, or discriminated against for making a legitimate report of adult abuse or neglect, or assisting in an investigation.

Note: Please see page six for excerpts from Section 46 parts (2), (3), and (4) of the *Adult Guardianship Act of British Columbia*

Adult Guardianship Act of British Columbia
Reporting Abuse or Neglect
Section 46

- Part (2)** A person must not disclose or be compelled to disclose the identity of a person who makes a report under this section
- Part (3)** No action for damages may be brought against a person for making a report under this section or for assisting in an investigation under this Part, unless the person made the report falsely and maliciously
- Part (4)** A person must not
- (a) refuse to employ or refuse to continue to employ a person,
 - (b) threaten dismissal or otherwise threaten a person
 - (c) discriminate against a person with respect to employment or a term or condition of employment or membership in a professional or trade union, or
 - (d) intimidate, coerce, discipline or impose a pecuniary or penalty on a person because the person makes a report or assists in an investigation under this Part.