

ABUSE RISK MANAGEMENT POLICY

1. PURPOSE

The purpose of this Policy is to protect our clients, volunteers, staff, and contractors from abuse and neglect. Secondly, its purpose is to reduce the liability risk and related negative publicity, expense, and trauma to the organization, the clients it serves, and its volunteers.

This Policy will key in on the bare essentials of education, screening, policies, and Policy administration. The simple framework of this Policy will not address all contingencies that are likely to be encountered.

Eastside Friends of Seniors' abuse policy acknowledges that clients, volunteers, contractors, or staff may be subject to abuse. However, it also acknowledges that its clients are particularly vulnerable. Dementia, mental health issues, substance abuse and social isolation are issues that significantly increase the risk of abuse. Women are more likely to be victimized than men, but people from all socio-economic groups, cultures and ethnicities can be abused.

2. REPORTING ABUSE

If you suspect that a child or vulnerable adult is being (or has been) abused, call the proper law enforcement agency or the Washington State DSHS hotline within 48 hours:

1-866-END-HARM (1-866-363-4276; TTY accessible)

If it is an emergency – if you believe someone is in immediate danger, call 9-1-1.

If the alleged abuse involves Eastside Friends of Seniors' personnel – staff, contractor, client, or volunteer – also please contact the Executive Director within 48 hours of learning of alleged abuse. The Executive Director is the appropriate person to whom all reports of abuse should be reported. In the event that the Executive Director is the alleged abuser, the report should be made to the President of the Board.

Staff (other than the Executive Director), volunteers and contractors need to remember that they are not responsible for investigating the abuse. If staff, volunteers, contractors or clients have reasonable cause to believe that an individual is being abused, it should be reported. Since most cases of abuse go undetected, no one should assume that someone else is reporting.

Duty to Disclose/Immunity/Confidentiality:

Any person(s) who makes or participates in the making of a good-faith report of abuse or neglect, participates in the investigation, or in judicial proceedings shall in so doing be provided with complete and absolute immunity from civil liability.

The identity of the person reporting a case of suspected abuse will not be revealed. All records and reports concerning investigations and their outcome are protected by various confidentiality laws. Unauthorized disclosure of such records is a possible criminal offense which could subject the violator to fines and/or imprisonment.

Any allegation of abuse will be taken seriously. The Executive Director will report findings to the Board of Directors by the next scheduled board meeting, and all proceedings will be confidential. In addition, the Executive Director will notify, as is appropriate:

- The agency's attorney
- Child or Adult Protective Services
- Local law enforcement
- The agency's insurance carrier
- Parents/guardians of the offended person (if a minor)

The agency will cooperate fully with any investigation done by Child Protective Services, Adult Protective Services, or local law enforcement. The allegation of abuse will remain within the confidence of parties notified. The distribution of all information related to an allegation of abuse is limited to persons on a "need to know" basis.

If an allegation of abuse becomes public knowledge, the board will designate one official spokesperson to interact with the media.

3. EXAMPLES OF ABUSE

According to the National Center on Elder Abuse, vulnerable adult abuse refers to any intentional or negligent act by a family member, caregiver or any other person that causes harm or serious risk of harm to a vulnerable adult. Abuse may take many forms, including:

Emotional Abuse: Verbal attacks, threats, rejection, isolation or belittling acts that cause, or could cause, mental anguish, pain or distress to a vulnerable adult.

Verbal emotional abuse includes:

- Intimidation through yelling or threats
- Humiliation and ridicule
- Habitual blaming or scapegoating

Non-verbal emotional abuse includes:

- Ignoring the vulnerable adult
- Isolating a vulnerable adult from friends or activities
- Terrorizing or menacing the vulnerable adult

Physical Abuse: Non-accidental use of force that results in physical pain, injury or impairment. Such abuse includes not only physical assaults such as hitting or shoving but also the inappropriate use of drugs, restraints or confinement.

Sexual Abuse: Sexual contact that is forced, tricked, threatened or otherwise coerced. This may include physical sex acts, showing pornography, forcing the person to watch sex acts or forcing the vulnerable adult to undress.

Neglect: Failure or refusal to provide for a vulnerable adult's safety, physical or emotional needs. This may include failure to provide food, water, clothing, medications or assistance with the activities of daily living and personal hygiene.

Self-neglect is the inability to understand the consequences of one's own actions or inaction, which leads to, or may lead to, harm or endangerment. This may include not eating, not taking proper medications, poor hygiene, not wearing appropriate clothing for the weather, unsafe living conditions and hoarding. Clients' self-neglect also must be reported.

Financial Exploitation: Theft, misuse or neglect of authority, fraud (scams) and use of undue influence as a lever to gain control over the money or property of a vulnerable adult.

Examples of financial exploitation include:

- Misuse personal checks, credit cards or accounts
- Stealing cash, checks or household goods
- Forgery of signature on documents or checks
- Identity theft

4. PERMITTED CONDUCT

For volunteers and clients to express their friendship for each other is natural, appropriate and desirable. This sharing is essential for healthy emotional and spiritual well-being of individuals. The expressing and sharing of one's friendship shall not be considered abuse or be in any way prohibited, restricted or limited by this policy. The following conduct by a staff member, volunteer, or client will be considered to be an expression of this caring concern:

- appropriately comforting another person who is in emotional or physical distress;
- occasionally and appropriately hugging, especially when initiated by a vulnerable adult;
- providing necessary medical care and attention to another person

Appropriate touching may be used when someone needs comfort, reassurance, and support. Appropriate touch is respectful of a person's personal boundaries and comfort level and is nurturing and not sexualized.

5. WARNING SIGNS OF ABUSE

General Signs

- Changes in personality or behavior in the vulnerable adult
- Frequent arguments between vulnerable adult and caregiver, family member or other trusted person; tension in relationship.
- Sudden dislike or fear of caregiver, family member or other trusted person

Physical Abuse

- Unexplainable injuries, such as bruises, abrasions, welts, burns, pressure marks
- Broken bones, sprains or dislocations
- Broken eyeglasses or frames
- Signs of being restrained, such as rope marks on wrists or symmetrical bruising

Emotional Abuse

- Unexplained withdrawal from normal activities
- Sudden change in alertness
- Unusual depression
- Rocking, sucking or mumbling

Sexual Abuse

- Bruises around private areas
- Unexplained disease or bleeding in private areas
- Torn, stained or bloody underclothing

Neglect

- Unusual weight loss, malnutrition or dehydration
- Unattended medical needs
- Unsanitary living conditions
- Poor hygiene

Financial Exploitation

- Sudden changes in financial situation
- Suspicious changes in will, financial trusts or power of attorney
- Unusual bank withdrawals
- Checks written as loans or gifts
- Items or cash missing from household or room
- Unnecessary or excessive services, goods or subscriptions

6. DISTRIBUTION OF ABUSE POLICY

The Abuse Policy will be integrated into the agency Personnel Policy and the Executive Director will discuss the policy during staff training so all staff will understand what steps they need to take if they believe that they are a victim of abuse.

The Executive Director will give a copy of the agency's Abuse Policy to all contractors. The Executive Director will discuss the policy in the contracting process before any contract is signed, so all contractors will understand what steps they need to take if they believe that they are a victim of abuse.

The Volunteer Coordinator will give a copy of the agency's Abuse Policy and discuss the policy during volunteer training so all volunteers will understand what steps they need to take if they believe that they are a victim of abuse.

7. RESPONSE TO ALLEGATIONS OF ABUSE

Assessing the Seriousness of the Situation: The Executive Director will determine the nature of the report of abuse. The report may be:

Concern: When the person just needs to be heard and have some information clarified.

Complaint: When the person needs the Executive Director to listen and may or may not want action taken if he or she feels understood.

Allegation: When the person making the report wants action to be taken. Under these circumstances, the Executive Director is to clarify if the action was:

- Not inappropriate, but unappreciated.
- An inappropriate act, but not illegal.
- An illegal act that needs to be reported to law enforcement.

Information Gathering:

Upon receipt of a disclosure of abuse or of a policy violation the Executive Director will gather all pertinent facts in a fair, respectful, and confidential manner and review with both the accuser and accused. All such disclosures must be brought to the attention of the Board of Directors. The alleged violations may range from inappropriate, but not illegal behavior, to clear cut abuse. The information gathering stage can not extend beyond 60 days.

The Executive Director must immediately report to the authorities when there is reasonable cause to believe that physical abuse or sexual abuse has occurred. At this point, the Executive Director should never investigate, as this is the role of the law enforcement authorities. Furthermore, allowing the law enforcement authorities to investigate helps to shield the organization against potential lawsuits for defamation of character.

Consequences:

If the alleged abuser or policy violator admits to the conduct, the Executive Director can employ the most appropriate response. If the alleged abuser or policy violator denies the conduct, the Executive Director can conduct further investigations (except when reasonable cause of physical or sexual abuse exists that should be reported to the authorities) deemed necessary prior to rendering any appropriate response.

Termination: All volunteers, clients, contractors, and staff are subject to immediate termination when the disqualification criteria outlined in the next section are met.

Suspension: Less egregious conduct on the part of the volunteer, client, contractor, or staff person will result in a written reprimand. If more than two (2) written reprimands are received in a three (3) year time period, this will result in termination of the volunteer, client, contractor, or staff person. Slightly more egregious conduct will result in both a written reprimand and suspension. Upon the second suspension in a three (3) year time period, the volunteer, client, contractor, or staff person will be terminated.

8. SCREENING

Applications

Application: The Application must be completed, signed, submitted, and processed before a volunteer or staff member will be allowed to work with clients.

All staff members, contractors, and unsupervised volunteers over the age of 18 must undergo a Washington State Criminal Background Check. If the potential volunteer is found to have a criminal background, a follow-up interview to clarify questions may be scheduled. The Executive Director will decide whether or not the potential staff member, contractor, volunteer is disqualified based on this information.

Disqualification Criteria: The organization has the following criteria for disqualification of anyone who works with our clients, including unsupervised volunteers, staff members, and contractors.

Individuals found to be guilty of the following crimes will be disqualified as outlined below. Guilty means the applicant was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by the court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This policy does not apply if criminal charges resulted in acquittal, dismissal or in an entry of "nolle prosequi":

1. Ever found to be guilty of:
 - All sex offenses, including child molestation, rape, sexual assault, sexual battery, prostitution, solicitation, indecent exposure, etc.
 - All felony violence, including murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, etc.
2. Found to be guilty within the past 10 years of:
 - All felony offenses other than violence or sex, including drug offenses, theft, embezzlement, fraud, child endangerment, etc.
3. Found to be guilty within the past 7 years of:
 - All misdemeanor violence offences including simple assault, battery, domestic violence, hit & run, etc.
4. Found to be guilty within the past 5 years or multiple offenses in the past 10 years of:
 - Misdemeanor drug and alcohol offenses including driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.
5. Any other misdemeanor within the past 5 years that would be considered a potential danger.

Should any pending charges described in 1-3 above be uncovered, or should any of the above charges be brought against a volunteer, the volunteer shall be suspended from the Policy until such time as the charges have been cleared or dropped and the Executive Director has approved reinstatement.

Appeals: Volunteer(s), staff, or contractors disqualified solely due to an unsatisfactory Referral or Criminal Background Check and/or other reason(s) will be given the right to appeal upon written notification to the Executive Director.

The Board will appoint three (3) board members to hear the appeal and they will decide whether or not to uphold or overturn the decision of the Executive Director. As a compromise, the appeal committee may decide to reassign the person to a more appropriate position or to place the person under a probationary period. The results of all criminal background checks and appeals will be kept confidential.

9. ACKNOWLEDGMENT:

All volunteers, staff, and contractors must read this policy and must agree to abide by these rules.