

# Adult Protection: Abuse, Neglect or Self-Neglect of Vulnerable Adults. Designated Responder Guideline

## Site Applicability

All PHC sites

## Practice Level

Social Workers: mandatory VCH/PHC ReAct Adult Protection Program Module Training 1 – 5 minimum

## Requirements (non-negotiable points)

PHC Social Workers identify, respond, investigate and provide support and assistance in cases of abuse, neglect and self-neglect of vulnerable adults.

## Need to Know

The Adult Guardianship Act (AGA) mandates the provision of support and assistance for adults who are vulnerable to abuse, neglect and self-neglect and who cannot seek support and assistance. PHC is a Designated Agency under the AGA and is obligated to investigate reports of abuse, neglect and self-neglect of adults.

Reference: [Adult Guardianship Act](#)

## Guiding Principles

1. 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
2. All adults should receive the most effective, but least restrictive and intrusive, form of support, assistance or protection when they are unable to care for themselves or their financial affairs.
3. The court should not be asked to appoint, and should not appoint, guardians unless alternatives, such as the provision of support and assistance have been tried or carefully considered.

## Presumption of Capability

1. Until the contrary is demonstrated, every adult is presumed to be capable of making decisions about their own personal care, health care and financial affairs.

2. An adult's way of communicating with others is not grounds for deciding that they are incapable of making decisions.

### **Designated Agency Mandate**

As a Designated Agency, all PHC employees have a legal responsibility to report suspected abuse, neglect or self-neglect of an adult they believe is unable to seek support and assistance. Within PHC, Social Workers are responsible for investigating and responding to these reports.

### **Criteria**

The AGA mandates that support and assistance be provided for adults who are abused or neglected and who are unable to seek support and assistance because of:

- Physical restraint
- A physical handicap that limits their ability to seek help, or
- An illness, disease, injury or other condition that affects their ability to make informed decisions about abuse or neglect

Reference: [AGA Section 44](#)

### **Receiving a Report of abuse/neglect**

There are a number of different ways in which PHC Social Workers may first become aware of a suspected abuse and/or neglect situations including but not limited to:

- Receiving a call from a concerned person (friend, neighbour, business, relative, etc.)
- Being told by a client, or observing it themselves
- Receiving a report from a community health care provider
- Receiving a report directly from a Police Department or Public Guardian and Trustee

### **Report Criminal Activities**

As a Designated Agency, PHC has a legal obligation to report all criminal activity to the police when the criminal activity related to the abuse and neglect of an adult who meets the criteria under the AGA. If the Social Worker has reason to believe that a crime has been committed they will:

- Consult with the Adult Protection Social Worker (APSW)/Social Work Supervisor
- Inform the adult about the legal obligation to report to the police unless informing the adult places the adult at intolerable risk
- Consider consulting with the VPD Elder Abuse Team
- Report suspected criminal activity to the police
- Develop and discuss a safety plan with the adult
- Document this safety plan in the Health Record

Reference [AGA Section 50](#)

**Allegation against PHC employee/staff**

If the Social Worker receives a report involving an allegation against another staff member, the Social Worker will notify the APSW/Social Work Supervisor and refer to the appropriate manager for assessment, investigation and intervention in accordance with the AGA.

“Staff” means all employees (including management and leadership), medical staff (including physicians, midwives, dentists and Nurse Practitioners, residents, fellows and trainees, health care professionals, students, volunteers, contractors, researchers and other service providers engaged by PHC.

The reporter is protected from damages including disciplinary actions from an employer unless the report is made falsely and maliciously.

Reference: [AGA Section 46\(2\)\(3\)\(4\)](#) and Section 22(f) of the [Freedom of Information and Protection of Privacy Act](#).

**Release of Information**

Due to statutory responsibilities around confidentiality, the process for releasing information under Adult Guardianship differs from other requests. These requests must be made through the Health Information Management (Health Records) Department and reviewed by APSW with identifying information redacted.

Reference: [AGA section 46\(2\)](#)

**Assessment**

If the SW receiving the report of abuse, neglect and/or self-neglect believes the adult meets criteria under the AGA, the SW will:

- Interview the adult, to investigate the report of abuse/neglect/self-neglect. If interview with the adult is not possible document reasons why.
- Obtain collateral information, as needed from the adult’s family, friends and supports, health care professionals, involved agencies and/or any person that manages the adult’s financial or business affairs.
  - If adult does not agree to the designated agency staff obtaining collateral information, the SW may collect and gather information without consent in accordance with [AGA Section 48](#).
  - If requesting collateral information from agencies that are not health care providers (e.g. banks, landlords), SW may use their authority under the [AGA Section 62](#) to request information from agencies that are not healthcare providers (see [Form to Request Information](#))
- Determine if the adult is abused or neglected and whether they are able to seek support and assistance to address the concern.
- Inform the [Office of the Public Guardian and Trustee](#) if appropriate
- Develop a plan to address any security or safety issues, this may include alerting security/administrator on call, [safety and alert plan](#), care plan

- Communicate plan to the adult and their support network, interdisciplinary team members, attending physician, Patient or Resident Care Manager, SW supervisor, APSW and others as needed.
- Consider the need to communicate the plan to the alleged abuser and other members of the adult's support network to help them understand the steps being taken under the AGA.
- Create an Adult Protection Process Alert in Cerner

## Referral

When suspected abuse, neglect and/or self-neglect is reported but PHC is not the appropriate Designated Agency, the SW must determine the most appropriate Designated Agency to follow up on the report in consultation with the APSW/Social Work Supervisor.

- If PHC is not investigating the concern, inform the reporter that another Designated Agency will follow-up and provide them with the name and phone number of the Designated Agency
- The SW will ensure all necessary information is conveyed to the appropriate Designated Agency and the responsibility for follow-up is accepted. [List of current Designated Responder Coordinators](#)
- The SW will enter the report into the ReAct Reporting System (RRS) and assign the responsibility for follow up to the appropriate designated responder

## Emergency Assistance

If the SW has reasonable grounds to believe that the adult requires emergency assistance, the SW can use the Emergency Provisions under AGA to provide that assistance without the adult's agreement.

To provide emergency assistance the SW must have reasonable grounds to believe that:

- The adult is being abused or neglected
- It is necessary to act without delay in order to:
  - Preserve the adult's life,
  - Prevent serious physical or mental harm to the adult, and/or
  - Protect the adult's property from significant damage or loss, and
- The adult is apparently incapable of giving or refusing consent

If all of these criteria for emergency assistance under AGA are met the SW may:

- Keep the adult in hospital;
- Transport the adult to a safe place without the adult's consent;
- Provide the adult with emergency healthcare;

- Inform the PGT Office on the adult's financial affairs, business, or assets that may need immediate protection;
- Take any other emergency measures necessary to protect the adult from harm (i.e. restricting access to visitors)

Reference: [AGA Section 59](#)

These emergency measures are intended to be short term interventions to address immediate risk until an appropriate plan can be put in place, for up to five days.

When utilizing emergency assistance under AGA the SW will:

- Consult APSW and/or Social Work Supervisor to confirm conditions and timeframes have been met for use of emergency assistance provisions. If afterhours, leave voicemail for APSW and/or Social Work Supervisor
- Complete the required Special Safety Alert and Plan in Cerner and complete the [Certificate of Emergency Assistance](#)
- Document how the adult meets the criteria of the legislation, actions taken and rationale on the adult's health record
- Communicate the plan to relevant team members (e.g. Attending Physician, Patient Care Manager, Administrator on Call, Security)
- Place Certificate of Emergency Assistance and a copy of the Special Safety Alert and Plan on the paper chart
- Upload copies of the Certificate of Emergency Assistance and the Special Safety Alert and Plan into the ReAct Reporting System (RRS)

### **Notification of Emergency Assistance and Rights**

When intervening under AGA Section 59, the SW must inform the adult of the following both orally and in writing:

- The reasons why the supports and assistance are being provided and under what authority (i.e. Section 59 of the AGA)
- The location of where the supports and services are being provided (i.e. Name and address of the facility/hospital)
- Their right to obtain counsel, and if needed, provide the adult with contact information for legal assistance/referral, such as:
  - Community Legal Assistance Society (CLAS): 604.685.3425 or 1-888-685-6222
  - Seniors First BC: 604-437-1940 OR 1-866-437-1940
  - Access Pro Bono Lawyer Referral Service 604-687-3221 or 1-800-663-1919

- Their right to have the detention or other emergency interventions reviewed by the provincial court pursuant to ss 54-60 of the AGA
- Written notification must be provided using AGA Notification of Emergency Assistance and Rights (see [Appendix B](#)), and Patient Brochure Understanding Your Rights: Emergency Assistance, available via [PHEM catalogue](#) (see [Appendix C](#))

### **Support and Assistance Plans**

- Support and Assistance Plans differ from regular health care and social service planning in that they are designed to specifically meet and address the safety needs of adults who have heightened vulnerabilities and may be incapable of understanding the risks related to abuse, neglect or self-neglect
- Please refer to VCH/PHC Adult Guardianship Act: Support and Assistance Plans Guideline where available

### **Working with Police**

There are a number of circumstances where working with the police is helpful and/or mandatory. When considering whether to contact the police, the Social Worker should consult with the APSW and/or Social Work supervisor. Some examples of circumstances which may involve working with the police include:

- The situation is potentially unsafe for the adult, member(s) of the client's support network, and/or staff
- There is previous known or suspected criminal activity, or other potentially unsafe situations connected to the adult, their support network or their place of residence
- There is known or suspected criminal activity related to the abuse and/or neglect of an adult who meets the criteria under [AGA Section 44](#) when police reporting is mandatory

### **Monitoring and Evaluation:**

Abuse/neglect situations require ongoing monitoring and evaluation by Social Work when PHC is the Designated Agency. Monitoring may involve partnerships with other health authorities, Community Living of British Columbia (CLBC), and community partners. Ensuring that all relevant health care team members are aware of the client situation, the risks, and the care plan is essential.

If the adult's situation or function changes, the plan to address the concerns will be reviewed and revised as necessary.

### **Expected Outcomes**

To ensure that all adults experiencing abuse, neglect, or self neglect and who are vulnerable have access to appropriate services and supports

## Documentation

As a designated agency, PHC staff cannot disclose the name of the individual who makes the report ([AGA section 46 \(2\)](#)).

### Document:

- Information relevant to the provision of health care will be documented in the health record according to PHC documentation guidelines without releasing the identity of the reporter
- Title the entry: Report under Adult Guardianship: Do not disclose
- React Reporting number
- Police file number, if applicable

Investigative or evidentiary information will be documented in the React Reporting System and the React Reporting System Investigation ID will be referenced in the health record.

Information to be documented in the React Reporting System includes:

- Name of the reporter
- Police file number, if applicable
- Investigative and evidentiary details
- Tools utilized, including Support and Assistance Plan, Certificate of Emergency assistance, Special Safety and Alert Plan, Form to Request Information – AGA Section 62
- Outcomes of investigation
- Additional designated responders, if applicable
- Status of investigation, updated ongoing to include investigation underway, closed, or monitoring

## Patient and Family Education

The Social Worker should include the adult to the greatest extent possible in the assessment and care planning process. The patient/resident education provided will be context specific. Social Workers may provide verbal and/or written education to patients and families about adult guardianship laws, the role of a designated agency, their rights, and supports available to them. The following document may be provided:

- [BC's Adult Guardianship Laws: Supporting Self Determination for Adults in British Columbia](#)

If AGA Emergency Assistance is required, the following document will be provided to the adult:

- Patient Brochure: Understanding your rights under Emergency Assistance (see [Appendix C](#))

## Evaluation

Evaluation of this guideline will include review of social workers documentation of adult abuse, neglect and self- neglect investigations and related support plans.

## Related Documents

1. [B-00-07-14504](#) - Adult Protection: Duty to Report
2. [B-00-11-10200](#) - Family Presence
3. [B-00-11-10110](#) - Consent to Health Care
4. [B-00-11-10106](#) - Screening Patient and Residents for Abuse
5. [B-00-11-1-0121](#) - Release of Information and Belongings to law enforcement

## References

1. [Adult Guardianship Act](#)
2. [Freedom of Information and Protection of Privacy Act](#)
3. [Public Guardian and Trustee Act](#)
4. [Health Care \(Consent\) and Care Facility \(Admission\) Act](#)
5. [Mental Health Act](#)
6. [Power of Attorney Act](#)
7. [Representation Agreement Act](#)
8. [Patient's Property Act](#)
9. Marshall, J., Cotterell, D., Chan, P., Scott, M. & Clements, G. (2017) Protection of the Vulnerable Older Adult: A review of the legislation, relevant case law and common clinical practices. BCMJ 59 (7) 356-261
10. O'Connor, D., Hall, M., & Donnelly, M. (2009). Assessing capacity within a context of abuse and neglect. Journal of Elder Abuse and Neglect. 21: 156 – 169
11. Young, J. & Everett, B. (2018). When Patients choose to live at risk. BCMJ 60 (6) 314- 318.

## Developed by

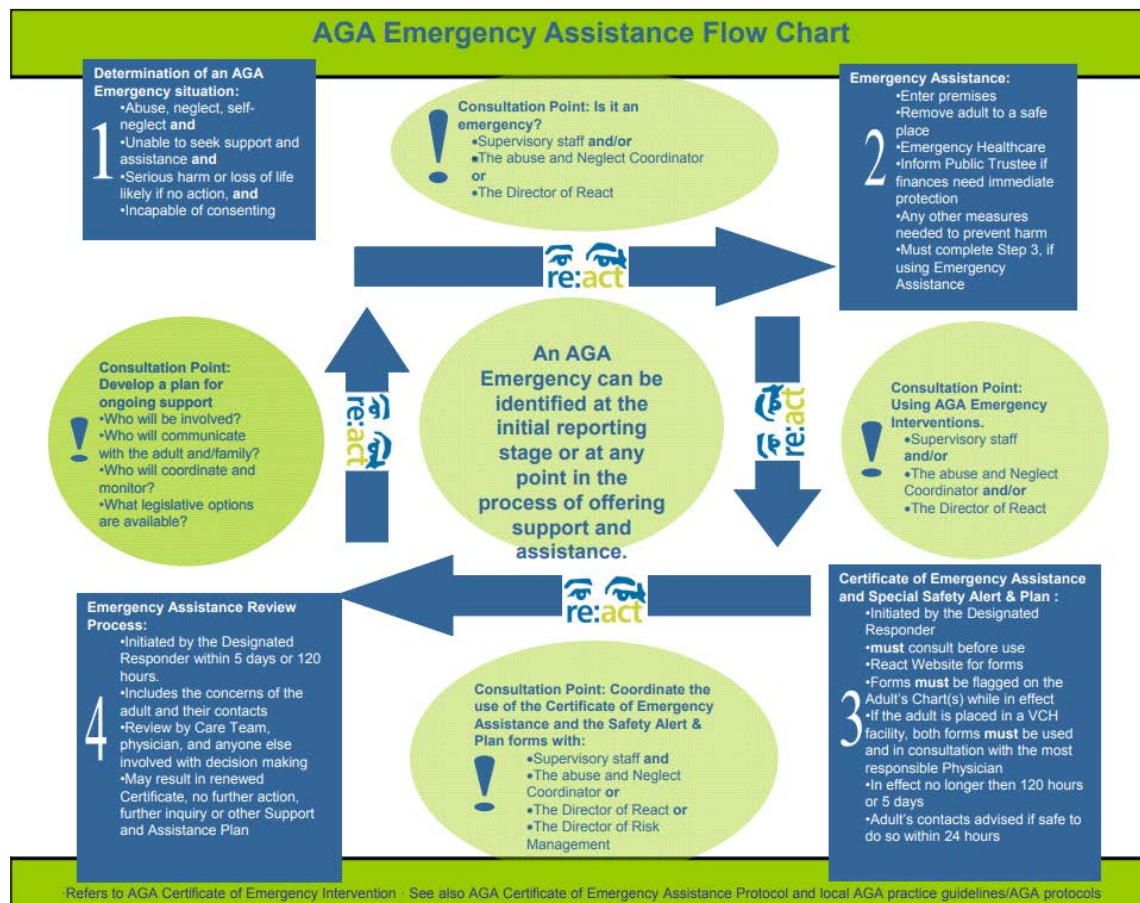
Social Work Site Leads

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## Appendix A: AGA Emergency Assistance Flow Chart



## APPENDIX B: Notification of Emergency Assistance and Rights



### Form A - Adult Guardianship Act NOTIFICATION OF EMERGENCY ASSISTANCE AND RIGHTS (Section 59, R.S.B.C. 1996 Chapter 6)

This form must be completed immediately or as soon as clinically reasonable to do so. A copy should be left with the adult when taking any of the following actions. The information in **bold** must be read to the adult.

#### A Designated Responder from Vancouver Coastal Health/Providence Health Care completed a Certificate of Emergency Assistance to: (check all that apply)

- ☐ enter your residence without a court order or warrant
- ☐ remove you and take you somewhere safe
- ☐ provide you with emergency health care
- ☐ take any other emergency measures necessary to protect you from harm  
(including detaining you from leaving a premises, or restricting access to you from visitors)

Action taken: \_\_\_\_\_

You need to know your legal rights. The action of <read the item(s) ticked above> has been taken to protect you from serious harm in accordance with the emergency provisions in the Adult Guardianship Act. I will read you a summary of your rights. You may ask me questions at any time. I will also give you a copy of this form which contains more information that you may read.

You have the right to: (see information on reverse)

1. know the reasons for the emergency assistance. (See Reasons for Emergency Assistance)
2. contact a lawyer. (See Contacting a Lawyer)
3. know the length of time this will last.  
Date of Expiry: \_\_\_\_\_ (See Length of Emergency Assistance Certification)  
(DD/MM/YYYY)
4. make a complaint regarding the emergency assistance provided. (See Making a Complaint)
5. know the location where the emergency assistance is being provided:  
Name of facility: \_\_\_\_\_  
Address: \_\_\_\_\_
6. have a review by the court or to appeal to the Supreme Court of British Columbia any order that is made under the Adult Guardianship Act. (See Appeal to the Court & Judicial Review)

\_\_\_\_\_  
Name of Adult

\_\_\_\_\_  
Name of Person Providing Information

\_\_\_\_\_  
Signature of Person Providing Information

\_\_\_\_\_  
Date (DD/MM/YYYY)

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**Form A-Adult Guardianship Act  
NOTIFICATION OF EMERGENCY ASSISTANCE  
AND RIGHTS** (Section 59, R.S.B.C. 1996 Chapter 6)**MORE INFORMATION****REASON FOR EMERGENCY ASSISTANCE**

A Designated Responder signed a "Certificate of Emergency Assistance" and is of the opinion that:

- a) You are apparently abused or neglected,
- b) It is necessary to act without delay in order to do any of the following:
  - i. Preserve your life,
  - ii. Prevent serious physical or mental harm to you, or
  - iii. Protect your property (including your finances and assets) from significant damage or loss, and
- c) You are apparently incapable of giving or refusing consent.

**CONTACTING A LAWYER**

You have the right to contact a lawyer and to have the lawyer represent you. If you have a lawyer you prefer, please let the person providing you this information know their name and their contact information if you have it. If you do not have a lawyer, you may choose to seek legal assistance or a referral to a lawyer from:

- Community Legal Assistance Society: 604-685-3425 or 1-888-685-6222
- Seniors First BC: 604-688-1927 ext 258 or 1-866-437-1940
- Access Pro Bono's Lawyer Referral Service: 604-687-3221 or 1-800-663-1919

If you wish to call a lawyer the person providing you with this notice will make a telephone available to you. If you wish to meet with your lawyer, arrangements will be made for this as long as there are no safety or infection prevention concerns.

**LENGTH OF EMERGENCY ASSISTANCE CERTIFICATION UNDER THE ADULT GUARDIANSHIP ACT**

The Adult Guardianship Act does not provide a legal timeline for how long emergency assistance may be used. Provincially, best practice has determined that a "Certificate of Emergency Assistance" expires after five days. A Designated Responder and care team may renew a "Certificate of Emergency Assistance" in unique circumstances. A member of the care team must inform you when and why a "Certificate of Emergency Assistance" is renewed.

**MAKING A COMPLAINT**

If you have a complaint about your care, please speak with the person who is providing the service first or to the manager of the area. If your complaint remains unresolved after discussing the issue with the service area, you are encouraged to contact the Patient Care Quality Office.

**Vancouver Coastal Health**  
Phone: 1-877-993-9199  
Email: pcqo@vch.ca

**Providence Health Care**  
Phone: 604-806-8284  
Email: jsilver@providencehealth.bc.ca

**APPEAL TO THE COURT & JUDICIAL REVIEW (HABEAS CORPUS)**

A Judicial Review is a legal procedure in the Supreme Court of British Columbia where the court reviews a decision made by a decision maker, such as Vancouver Coastal Health or Providence Health Care. You may ask the Supreme Court to review the decision to use any of the Emergency Assistance provisions of the Adult Guardianship Act, including the decision to detain you. You may also ask the Supreme Court to review any order made about you under the Adult Guardianship Act. You may need legal advice and there may be a cost.

## Appendix C: Patient Brochure – Understanding Your Rights: Emergency Assistance

### What are my rights if Emergency Assistance is provided?

- You have the right to know why we are using Emergency Assistance, which means why we think the situation is harmful to you
- You have the right to know how we will help you.
- You have the right to know where you are.
- You have the right to ask questions and express your concerns and wishes.
- You have the right to contact a lawyer at any time and be given access to a telephone to do so.
- You have the right to ask the court to review the decision to use Emergency Assistance.

### Who can help me?

A lawyer can give you legal advice about your rights as an individual who had Emergency Assistance provided under the Adult Guardianship Act. They can act on your behalf. There may be a cost for this service.

- Community Legal Assistance Society  
Local: 604-685-3425  
Toll Free: 1-888-685-6222
- Seniors First BC  
Local: 604-688-1927 ext: 258  
Toll Free: 1-866-437-1940
- Access Pro Bono's Lawyer Referral Service  
Local: 604-687-3221  
Toll Free: 1-800-663-1919

### What if am unhappy about my care?

If you have concerns about the way you have been treated, you have a right to make a complaint and can contact:

Patient Care Quality Office  
(Vancouver Coastal Health and Providence Health Care)

Toll Free: 1-877-993-9199  
Email: [pcqo@vch.ca](mailto:pcqo@vch.ca)



Developed by the Vancouver Coastal Health  
Regional Social Work Council

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## Understanding Your Rights

BC's Adult Guardianship Act (AGA):  
Part 3

Helping you understand  
Emergency Assistance under the  
Adult Guardianship Legislation



## What is the Adult Guardianship Act (AGA) Part 3?

The AGA (Part 3) provides support to adults who are being harmed by someone else or if they are unable to take care of themselves. When adults are facing harm and are unable to find support and assistance, Emergency Assistance may be provided.

The Act states that Designated Agencies, such as Health Authorities and Community Living BC (CLBC), can provide Emergency Assistance.

In urgent situations, the law allows the Health Authority to provide Emergency Assistance to protect you from harmful situations, such as:

- Protecting your life.
- Preventing serious physical or emotional harm.
- Protecting your money or home from loss or damage.

**There are experienced staff in the Health Authority that have been trained to assist you. You will be connected with a Health Care Professional such as a Social Worker, or a Nurse.**

## What does it mean when Emergency Assistance is being used in Section 59(1), of the Adult Guardianship Act?

- We can go into your home without a court order.
- We can take you out of your home and make sure you are in a safe place.
- We can take you to the hospital and ensure you receive medical attention.
- We can make a referral to the Public Guardian & Trustee to make sure your finances are protected.
- We can take any other emergency steps to make sure we are protecting you from harm.



## How long does Emergency Assistance last?

It can last for up to 5 days but can go on for longer until we make sure you are safe.



## What kinds of things might happen to me?

- You might be taken to a hospital to receive medical care.
- You could go to a safe place, such as another family member's or friend's home.
- We might speak to your bank to make sure your money and assets are protected.

Whenever we provide Emergency Assistance, it is a temporary situation, until we can sort out the circumstances that are causing harm.

We may develop a care plan, with your input, and offer you further supports.