

# Adult Protection: Duty to Report

## Site Applicability

Providence Health Care (PHC) - all sites

## Practice Level

All PHC Staff

## Requirements

Refer to PHC Policy – [B-00-11-10106](#) - Abuse

## Need to Know

The Adult Guardianship Act (AGA) supports an adult's right to self-determination and choice and provides support and assistance for adults who are vulnerable to abuse, neglect and self-neglect and who cannot seek help for themselves. Providence Health Care (PHC) is a Designated Agency under the AGA, and as such, has a mandate to investigate reports of abuse, neglect and self-neglect of adults.

Reference: [Public Guardian and Trustee of British Columbia](#), [VCH ReAct](#)

## 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 the 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 and carefully considered.

## Presumption of Capability

1. Until the contrary is demonstrated, every adult is presumed to be capable of making decisions about the adult's personal care, health care and financial affairs.
2. An adult's way of communicating with others is not grounds for deciding that he or she is incapable of making decisions

Other tools and Acts that support adults who may be experiencing abuse and neglect should be used as appropriate. ([VCH ReAct](#), [Community Living BC](#), [Public Guardian and Trustee Mental Health Act](#) )

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## Guideline

### Recognizing Adult Abuse, Neglect and Self Neglect

PHC employees are mandated to report any suspected cases of abuse, neglect and self-neglect of adults who are unable to seek support and assistance because of the following (see AGA Section 44):

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

PHC Social Workers are Designated Responders under the AGA and are mandated to investigate these reports.

### Uncertainty about reporting

If a PHC employee and/or health care team is unsure about whether or not a situation requires reporting, they should refer to the unit/program social worker. If they are uncertain about which social worker they should be referring to, they can contact the main social work office.

It is the responsibility of a PHC social worker to investigate the report and to determine whether or not adult abuse, neglect or self-neglect has occurred and whether the adult is vulnerable under the AGA.

## Interventions

### Receiving a Report of Abuse/Neglect

Anyone can make a report to PHC about a situation involving adult abuse or neglect. There are a number of different ways in which a PHC employee may first become aware of a potential or substantiated abuse and/or neglect situation including but not limited to:

- Receiving a call from a concerned person (friend, neighbor, 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 the Police Department or Public Guardian and Trustee.

### Referral to Social Work

In situations such as these, PHC employees will refer to the responsible Social Worker.

If the concern originates on the weekend or after regular office hours, PHC employees will alert the Emergency (ED) Social Worker.

**Report involving a PHC employee/staff**

If an allegation is received regarding a PHC employee/staff member, the Social Worker for this area will refer to the appropriate Manager for assessment/investigation/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.

**Release of Information**

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

Unless the report is proven to be malicious, the reporter is protected from damages including disciplinary actions from an employer. ([AGA Section 46\(2\)\(3\)\(4\)](#) and Section 22(f) of the [Freedom of Information and Protection of Privacy Act.](#))

**Patient/Resident Education**

PHC employees will refer to Social Work when patients and family members have questions about adult abuse, neglect and self-neglect and/or Adult Guardianship legislation. 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](#)

**Report Criminal Activities**

As a Designated Agency, PHC has a legal obligation to report all criminal activity that relates to abuse and neglect of a vulnerable adult to the police under [Section 50](#) of the AGA. When this situation arises, the social worker will inform the adult about the legal obligation to report criminal activity unless informing the adult places the adult at intolerable risk. Social workers will establish a safety plan with the adult and document this plan.

**Documentation**

The clinician who makes the report to the social worker will document this report on the patient's health record in accordance with their professional standards (keeping the name of the reporter confidential as per AGA [46 \(2\)](#)).

## Related Documents

1. [B-00-07-14503](#) – Adult Protection: Abuse, Neglect or Self-Neglect of Vulnerable Adults. Designated Responder Guideline
1. [B-00-11-10106](#) – Screening Patient and Residents for Abuse
2. [B-00-11-10198](#) - Managing Disrespectful, Violent, or Aggressive Behaviour of Visitors
3. [B-00-11-10196](#) - Violence Prevention in the Workplace
4. [B-00-11-10121](#) - Release of Information and Belongings to Law Enforcement
5. [PHC Framework for Ethical Decision Making](#) ([www.ethics.providencehealthcare.org](http://www.ethics.providencehealthcare.org))
6. [VCH Risk Assessment Tool](#) – Vancouver Coastal Home Care Services
7. VCH – [D-00-11-30012](#) - Adult Protection: Abuse, Neglect or Self-Neglect of Vulnerable Adults

## 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.

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