



<b>SUBJECT:</b>	<b>Staff reporting &amp; Whistle Blowing Protection</b>	<b>POLICY #:</b>	<b>1 of 4</b>
		<b>PAGE:</b>	
MANUAL	All Department Manuals	REFERENCES:	
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Purpose:

Valley Manor strives to be in compliance with the Long-Term Care Homes Act, 2007. Article 26 of the Act refers to Whistle-Blowing Protection, and this policy is to clearly give direction to all staff employed at Valley Manor.

Valley Manor puts forth efforts to identify and respond to any conduct that may pose a risk of harm to residents or staff, or to the operation of the Home.

To remain in compliance Valley Manor forbids retaliation or threats of retaliation against a person for disclosing anything to an inspector or the Ministry of Health and Long-Term Care Director, or for giving evidence in a proceeding under the LTCHA or during a coroner's inquest. Under section 26, staff, management, or Board directors cannot discourage these disclosures.

This policy is intended to ensure the following:

- Encourage and enable reporting in the Home relating to breaches or suspected breaches of the Home's policies, procedures or standards, and legislation that applies to the Home;
- Ensures there is no retaliation against those who make reports in good faith under this policy; and
- Ensures compliance with reporting and whistle-blowing provisions of the LTCHA.

## **POLICY**

### **Staff Reporting**

Any staff or board member who is aware of, or suspects, any of the following must report it as soon as possible in accordance with the reporting procedures in this policy:

1. Improper or incompetent treatment or care of a resident; or unlawful conduct that affects or may affect a resident.
2. Abuse of a resident by anyone, or neglect of a resident by a staff member or board member of the Home. This includes misuse or misappropriation of resident property.
3. Verbal complaints concerning resident care or operation of the Home.
4. Breach of the Home's policies, standards, procedures or by-laws, or breaches of legislation or government policy that applies to the Home, including the LTCHA and its regulations.
5. Any retaliation against a person for making a report under this policy, or for disclosing anything to an inspector of the MOHLTC Director, or for giving evidence in a proceeding under the LTCHA or in a coroner's inquest.

### **STAFF REPORTING & MANDATORY/IMMEDIATE REPORTING UNDER LTCHA**

All staff at Valley Manor should be aware that section 24(1) of the LTCHA requires certain persons to make immediate reports to the MOHLTC Director where there is a reasonable suspicion that certain conduct or events occurred, or may occur. Section 24(1) states the following:

*“A person who has reasonable grounds to suspect that any of the following has occurred or may occur, shall immediately report the suspicion and the information upon which it is based to the Director:*

- *Improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident*
- *Abuse of a resident by anyone or neglect of a resident by the licensee or staff that resulted in harm or a risk of harm to the resident*
- *Unlawful conduct that resulted in harm or a risk of harm to a resident*
- *Misuse or misappropriation of a resident's money*
- *Misuse or misappropriation of the funding provided to a licensee under this Act or the Local Health System Integration Act”*

### **NO RETALIATION OR DISCOURAGEMENT OF REPORTS**

Valley Manor will protect staff members and Board Members from harassment, coercion, penalty or discipline in the context of the following:

1. Reports in good faith under this policy, and
2. Disclosure of anything to an inspector or the MOHLTC Director, or giving evidence in a proceeding under the LTCHA or during a Coroner's inquest.

The Home will protect a resident (& his/her family members, SDM, and person of importance) against any threats or discrimination in connection with the resident's disclosure of anything to an inspector or the MOHLTC Director, or his or her giving evidence in a proceeding under the LTCHA or during a coroner's inquest.

Staff members and board members must not do anything to discourage any of the following:

- Reports under this policy,
- Mandatory/immediate reports under the LTCHA, and
- Disclosures to an inspector or the MOHLTC Director, or the giving of evidence in a proceeding under the LTCHA or during a coroner's inquest.

A staff member or board member who retaliates, threatens a resident, or discourages a report in breach of this policy may be subject to disciplinary action, which may include termination or removal.

### **REPORTING IN GOOD FAITH**

In making a report under this policy, a person must not act maliciously or in bad faith. A person who makes a report maliciously or in bad faith may be subject to disciplinary action, which may include termination or removal.

### **PROCEDURE:**

The Administrator (or DOC in the absence of the Administrator) shall be contacted immediately upon suspicion, or actual breach, of any of the mandatory reporting incidents:

- Improper or incompetent treatment or care of a resident; or unlawful conduct that affects or may affect a resident
- Abuse of a resident by anyone, or neglect of a resident by a staff member or board member of the Home. This includes misuse or misappropriation of resident property
- Unlawful conduct that resulted in harm or a risk of harm to a resident
- Misuse or misappropriation of a resident's money
- Misuse or misappropriation of funding provided to a licensee under this Act, or the Local Health System Integration Act

You may contact the Administrator (or DOC) in person, if at work, or by telephone. Ensure that you have a written report with vital information collected, a list of witnesses, the accurate time of the occurrence, and any other important information.

The Administrator (or DOC) will report to the Ministry of Health & Long Term Care through the on-line Critical Incident Reporting system, within the allotted time frames.

### **A. REPORTING**

Valley Manor will process and respond to reports of Resident Abuse and Neglect through its Policy to Promote Zero Tolerance of Abuse and Neglect

1. Valley Manor will process and respond to verbal complaints through its complaint protocol.
2. All reports under this policy should be to a staff member's immediate supervisor or manager. Where the supervisor is the person in question, or if the staff member is uncomfortable approaching their supervisor, the report should go to the next level of leadership/senior management.
3. Board Members should report to the Chair of the Board.
4. Reports concerning management members should go to the Administrator; if the report concerns the Administrator, the report should go to the Board Chair.
5. Reports concerning conduct of professional staff or service providers (physicians, pharmacists, dentists, nurses in the extended class, Director of Care, other managers or supervisors should go to the Administrator.
6. A staff member or Board Member who experiences any form of retaliation before, or after, submitting a report should immediately inform their supervisor or a member of the management team; or in the case of a Board Member, the Board Chair or Vice-Chair.

### **B. INVESTIGATION**

1. The person receiving the report will review, investigate and resolve the matter of the report. Where necessary, that person will advise or involve members of senior management.
1. Responsibility for investigation and resolution may be referred to senior management or the Board. Valley Manor expects that staff members will cooperate during any investigation.
2. If feasible, appropriate and does not breach confidentiality, Valley Manor will inform the individual who made the report about the results of an investigation and the steps taken to address the conduct in question.

### **C. CONFIDENTIALITY**

Valley Manor will accept reports under this policy on a confidential basis. All information pertaining to the report and the investigation will be kept confidential to the extent possible, subject to the need to conduct an effective investigation or to take action to comply with the LTCHA or other law. Valley Manor will not tolerate any attempt by a person or group to identify a person who submits a report in good faith.

### **D. STAFF ORIENTATION AND TRAINING**

Valley Manor will provide orientation and annual education regarding reporting obligations and Whistle Blowing Protection as stipulated by the LTCHA.