

COMMUNITY LIVING DURHAM NORTH

SUPPORTING PEOPLE WHO HAVE CHALLENGING BEHAVIOURS

Policy No: B-16 (Service Delivery)

Effective Date: May 1, 2007

Last Revision: June 18, 2012

Last Review: June 15, 2017

Rationale:

To reinforce the Association's belief that all people have a right to live in their community and to receive the supports they need in order to flourish there while, at the same time, ensuring that employees who work with individuals who have challenging behaviours feel that they are safe and supported.

Policy Statement:

Where a supported person manifests challenging and aggressive behaviour, the Association will take every reasonable precaution to protect the health and safety of the individual, the employee(s) who must manage the behaviour and that of any other people who may be present.

CLDN recognizes and appreciates the burdens of stress and anxiety that are placed upon employees who deal with aggressive behaviour, especially in circumstances where they may feel a sense of isolation from colleagues and management. In addition to the normal processes of program review and monitoring, senior staff will undertake every reasonable action to support and sustain the efforts of staff in such situations.

However, CLDN also recognizes that behaving aggressively may be a part of an individual's disability, and therefore part of the reason why he (and/or his family) sought service in the first place. Therefore, typically, a person's eligibility for service, or continuation in service, cannot be made conditional upon appropriate behaviour.

Internal References:

*B-4 Personal Support Plans*

*B-25 Positive Behavioural Support*

*B-18 Rights Review Committee*

Approved by: Larry Leonard  
for the Board of Directors

Date: May 8, 2007

COMMUNITY LIVING DURHAM NORTH

SUPPORTING PEOPLE WHO HAVE CHALLENGING BEHAVIOURS

Procedure No: B-16-1  
**Accessing Police; the Laying of Charges**

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Last Revision:  
Last Review: June 15, 2017

- Back up is available to all staff and its nature will be detailed in the supported person's Personal Support Plan. However, it is recognized that a fast responding and truly effective back-up system, in the context of our rural area of operations, is difficult to implement. Further, where we have sought to minimize the triggers of aggressive behaviour by acquiring small, semi-individualized residential locations, these small program sites naturally have small staff teams. Therefore, when aggressive behaviour does occur, it may fall to just one or two staff to cope with the situation.
- When a person has become unable to control his behaviour, he is to be isolated by removing all other people (staff and supported persons) from the immediate area. Potential property damage should not be taken into consideration if intervention would involve physical means, or an appreciable element of risk, or seems likely to exacerbate the situation.
- Police will be called when the behaviour escalates to the point where the person is putting himself or others at risk, and the employee(s) do not believe they can any longer intervene safely or effectively.
- Managerial approval is not necessary. Staff may call police on their own initiative but must, as soon as practicable, report their action and the current status of the situation to their immediate Manager or to any available manager (see *Reporting Procedures* policy).
- In accessing the police, CLDN distinguishes between using this service to re-establish a safe and controlled environment, which it supports, and between laying charges against someone receiving service, which it cannot support.
- CLDN's view is that aggressive behaviour is most often the result of faulty learning processes, and that such behaviour has a communicative function. The proper role of service to individuals who engage in such behaviour is to offer support in an empathetic and unconditional way.
- This said, an employee who has been injured does have a legal right to lay charges, and he will not face discipline if he does so. However, during the subsequent de-briefing process, CLDN will seek ways, including internal transfers, to ensure that the employee will not lay charges in future.

- A considered team decision to lay charges in order to “teach the person a lesson” will not be tolerated.
- When calm is re-established, the employee(s) will complete an Incident Report in AIMS and notify their immediate Manager or any available member of the management team. Typically, where police have been involved, management will report the incident to the Ministry of Community and Social Services (see *Serious Occurrence Reporting*, policy B-21).

Procedure No: B-16-2  
**Support for Staff re Aggressive Behaviour**

Effective Date: May 1, 2007  
 Last Revision: July 8, 2024  
 Last Review:

- Notwithstanding all declarations made in the interest of confidentiality, CLDN will make a full and complete disclosure of information, concerning individuals who have engaged in aggressive or criminal behaviour, to all employees assigned to work with such persons, including part time staff who might reasonably be expected to work with such people.
- If an individual presents with behaviours that have health and safety implications, these will be fully detailed in his or her Personal Support Plan, along with strategies to support the person effectively.
- To be clear, before commencing to work with a person who has challenging behaviours, staff will be trained in that person’s Personal Support Plan and Behavioural Support Plan, and specifically in the behavioural strategies set forth in that plan. Staff will also receive the mandatory Safe Management training prior to beginning to work with the individual concerned.
- All formal training on the use of behavioural interventions will be documented and kept on file.
- CLDN will ensure that staffing complements sufficient to provide for a safe working and living environment are provided in all Association work sites.
- It will also arrange for external professional consultations in the management and elimination of aggressive behaviour, as required.
- It is a fundamental staff responsibility to support and enhance the legal and human rights of people served. Nevertheless, it is necessary at times to make judgments, in the interest of safety and on the spur of the moment, which may temporarily limit those rights. No CLDN employee will face discipline for taking such action in the responsible performance of her duties.
- In making the above statement, a clear distinction is drawn between actions taken in the midst of a crisis, and everything that occurs after calm has been re-established.

- Managerial staff will meet with each employee involved in managing aggressive behaviour, after each significant instance of such behaviour, and in every case where physical restraints have been employed.
- This debriefing exercise is an opportunity to reflect upon, and learn from, the factors that may have precipitated the behaviour, or the events that may have led up to the use of a restraint, and it is conducted among all staff involved in the episode.
- Debriefings must be documented and conducted within a reasonable time period (i.e. within two business days) after the behavioural episode or restraint. If this is not possible, the debriefing must take place as soon as it is possible (and the documentation must record why an earlier debriefing was not feasible).
- CLDN provides an Employee Assistance Program to all employees, at no cost. It will also take every reasonable action to ensure that employees receive more intensive and professional follow up when that is required.
- CLDN will give priority consideration to requests for reassignment from employees in programs where there is potential for aggressive behaviour if the employee cites reasonable cause; e.g. burn-out, pregnancy, etc.

Procedure No: B-16-3

**Mechanisms for Expressing/Resolving Safety Concerns**

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- A concern about unsafe working conditions should be immediately addressed to the Program Manager. It is usually possible, through normal management processes, to plan around an individual's special needs.
- If it is felt that the matter is not being addressed effectively, an employee may take their concern to the elected Health & Safety Rep within their specific location (see policy C-9 Employee Health & Safety; Procedure C-9-2; Joint Health and Safety Committee).
- Finally, provincial legislation and the Ministry of Labour provide employees the right to refuse work that they consider to be unsafe. However, a work refusal is a formal process very different from "walking off the job" and it automatically involves a Ministry of Labour investigation. Further, the complaint must have to do with exceptional or specific circumstances as opposed to risks that are inherent in the job itself. For example, a fireman cannot refuse to respond to a fire, but he could decide that a piece of equipment used in a training exercise is faulty, and therefore refuse to participate in the exercise. Further information about Work Refusal legislation can be obtained from Human Resources.

Approved by: Cathy Parker  
CEO

Date: June 15, 2017