LICENSEE REPORTING OF SEXUAL ABUSE

Licensee becomes aware of alleged, suspected or witnessed sexual abuse of a resident.

Are there reasonable grounds*** to suspect that sexual abuse has occurred or may occur?

Do not know

Licencse manages through internal process but need not report.

No

Licensee to immediately investigate & take action in response to incident (s.23(1))

Was it by a licensee or staff member?

Yes

Was it consensual?

Yes

Licensee manages through internal process but need not report.

No

Was it a clinical nature appropriate to the provision of care or assisting a resident with ADLs?

Yes

Licensee manages through internal process but need not report.

No

Was the touching, behaviour or remarks in the course of a sexual relationship between the resident and licensee or staff member that began before the resident was admitted or before the licensee or staff member became licensee or staff?

Yes

Was the touching, behaviour or remarks consensual?

Yes

Licensee manages through internal process but need not report.

No

Send report including results of investigation & actions taken in response to incident via CIS within 10 days or earlier if requested by Director (r.104(2))

If not all required information is available within 10 days, send preliminary report within 10 days and provide final report within 21 days (time specified by Director).** (r.104(3))

Licensee to immediately report suspicion & information to Director (via CIS as per memo*; required to report by after-hours pager outside business hours). (s.24(1)(2))

May 2012

LEGEND

s = LTCHA
r = O. Reg. 7910
* Memo = Aug 4, 2010 memo from Director
** Memo = March 25, 2012 memo from Director
*** Determining reasonable grounds:
   It may not be necessary to move through or answer a definitive “yes” or “no” to the questions in order to determine “reasonable grounds”. As soon as reasonable grounds are suspected, the licensee must immediately report suspicion and information (s.24(1)).
Every licensee of a long term care home shall ensure that the appropriate police force is immediately notified of any alleged, suspected or witnessed incident of abuse or neglect of a resident that the licensee suspects may constitute a criminal offence.

### LTCHA 2007

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**Criminal Code Offences that May Apply**

- **Theft** (Sec.322 C.C.)
- **Theft by holding Power of Attorney** (Sec.331 C.C.)
- **Stopping Mail with Intent** (Sec.345 C.C.)
- **Extortion** (Sec.346 C.C.)
- **Forgery** (Sec. 365 C.C.)
- **Fraud** (Sec. 380 C.C.)
- **Assault** (Sec.265 C.C.)
- **Assault with a Weapon or causing bodily harm** (Sec.267 C.C.)
- **Aggravated Assault** (Sec.268 C.C.)
- **Forcible Confinement** (Sec.279 C.C.)
- **Murder** (Sec.229 C.C.)
- **Manslaughter** (Sec.234 C.C.)
- **Sexual Assault** (Sec.271 C.C.)
- **Sexual Assault with a weapon, threats to a third party or causing bodily harm** (Sec.272 C.C.)
- **Aggravated Sexual Assault** (Sec.273 C.C.)
- **Intimidation** (Sec.423 C.C.)
- **Uttering Threats** (Sec.264.1 C.C.)
- **Harassing Telephone Calls** (Sec.372.3 C.C.)
- **Criminal negligence causing bodily harm or death** (Sec.220 -21 C.C.)
- **Breach of Duty to provide necessities** (Sec.215 C.C.)

(Information used with permission of Durham Regional Police. Information provided is not “all – encompassing”, and does not constitute legal advice.)