

Protection for Persons in Care Act

Investigation Information for Staff

What is the Protection for Persons in Care Act?

The act is a law that protect adults from abuse and neglect while receiving care in personal care homes, hospitals, or any other designated health facility. This law also protects caregivers and others who work with persons in care against malicious or false reports of abuse and neglect.

Who handles reports of suspected abuse and neglect?

The Protection for Persons in Care Office (PPCO) receives and investigates reports of suspected patient abuse and neglect in health care facilities across the province.

REPORTING PROCESS

Who is required to report?

Under the act, any suspected abuse and neglect must be reported promptly to the PPCO by anyone who has a reasonable basis to believe that abuse or neglect occurred, or is likely to occur. As a health care facility staff person who has witnessed abuse or neglect, you should also notify your supervisor and document that you have done so. If your facility has a process for reporting allegations to the PPCO, this should be followed.

Can I make an anonymous report?

The PPCO needs your name and telephone number in case it's necessary to call you back for more information. Your name is treated as confidential and is not shared with anyone.

Am I protected when I make a report?

The act states that no action or other proceeding may be brought against a person for making a report of abuse or neglect. In addition, the reporter is protected from adverse employment action undertaken by the operator of a health facility as long as the report is made in good faith.

INVESTIGATION PROCESS

What happens when the PPCO conducts an investigation?

The PPCO notifies the health facility that the issue has proceeded to investigation. The investigator's name is provided and a response is requested along with information necessary to complete the investigation. The investigator may want to meet with or obtain statements from people who could have information about the reported incident. These interviews can be arranged at the facility or off-site, depending on the wishes of the person being interviewed.

The patient(s) identified in a report may also have concerns that must be considered during the investigation.

Does the PPCO investigate every report?

No. When the PPCO receives a report, it conducts an inquiry and determines whether an investigation is warranted.

Can I refuse to be interviewed?

If an investigator contacts you for an interview, your co-operation is essential to ensuring a fair process for all involved. It is important to consider that the interview process gives you the chance to share your version of what happened. It ensures that the situation is seen from all perspectives.

If you have been identified as a witness and you refuse to be interviewed, the PPCO may decide to seek a warrant to compel an interview with you.

Individuals identified as alleged abusers will be given the opportunity for an interview to answer the allegation against them. If you have been identified as an alleged abuser you can refuse to be interviewed; however, the investigator will continue the investigation and make conclusions and recommendations without your input.

Can I bring someone to the interview?

You may choose to have a union representative, supervisor, your lawyer, or someone else present with you during the interview as an independent observer, or you can meet with the investigator alone. Independent observers will be informed of their role in providing support, but may not interfere or ask questions during the interview process.

Is there any protection for a staff person who has been interviewed as a witness?

Yes, similar to the protection afforded the reporter, the act directs the PPCO to keep witness names confidential.

Can the PPCO recommend disciplinary action?

No. The PPCO can provide direction only about how to protect patient safety. The facility is responsible for handling human resource issues. The PPCO may however, refer a person(s) to the appropriate college for review of their professional conduct.

The PPCO may also refer an individual to the Adult Abuse Registry Committee if it concludes abuse or neglect occurred.

More information:

For more information or to make a report:

Website: www.manitoba.ca/health/protection

The Protection for Persons in Care Office

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