

Prevent False Allegations of Sexual Abuse Involving Minors

As terrible as it is to consider, the vulnerability of youth patients in a health care facility make them targets for sexual misconduct or abuse. These circumstances also create an opportunity for false allegations of sexual misconduct, which could be just as detrimental for your facility. This is a serious liability risk for your organization, and it is important that you do all you can to protect your patients and your facility.

You can take several steps to ensure your organization does not have to undergo expensive and time-consuming lawsuits, including careful screening of all employees and volunteers, strictly enforced supervision guidelines, sufficient education and training and a specific plan of action to follow when someone suspects or reports inappropriate behaviour. Read on for more information on how you can protect your organization from these types of risks.

Screen Potential Staff Carefully

One of the most important things your organization can do to reduce the risk of a sexual misconduct or harassment allegation is to take on staff and volunteers carefully. Require that all part-time and full-time staff, regardless of job description, consent in writing to a criminal background check. Volunteers who have contact with minors should be subject to a background check before being allowed to mentor or conduct activities in your facility. You should also search for all potential employees and volunteers in the applicable sex offender registry, to check for any type of sex offender record. Even staff members who would not usually have contact with minors should be screened, because they may still have the opportunity to be near young patients.

In addition to conducting an official background check and examining the applicable sex offender registry, you should require all applicants—whether paid or volunteer—to provide a list of non-family references, complete with contact information. However, it is not enough to simply ask for this information—with every applicant, you should follow through and contact the references. Ask specific questions about the applicant's reputation and character to evaluate whether he or she will present a risk to your organization.

Depending on the size of your organization, many people may look at one application, and the review process could go through several hands. To make the process easier and more effective, require documentation for all background and reference checks conducted. If any applicant is allowed to skip the background or reference check process, require that a waiver be signed by the person who made the decision to exempt the applicant.

FALSE SEXUAL ABUSE ALLEGATIONS INVOLVING MINORS ARE A SERIOUS LIABILITY RISK FOR YOUR FACILITY – TAKE PREVENTIVE STEPS NOW.

Institute Supervision Guidelines

It is important to set guidelines for employee and volunteer conduct for two reasons. First, the guidelines protect minors from ill-intentioned adults, making your facility safer overall. Second, they protect employees and volunteers from potentially false allegations.

Generally, the suggestion would be to avoid one-on-one contact, but that is sometimes impossible in a health care setting. However, whenever possible, there should be at least two adults present if it is necessary to be in a patient's room for an extended period of time. Whenever feasible, family members should be allowed in the room as visitors. Also, a supervisor should periodically and randomly look into young patients' rooms to ensure proper conduct.



Train and Prepare Your Staff

An important step that some organizations overlook is providing adequate education and training to allow employees and volunteers to understand the risk of sexual misconduct allegations. If you educate employees and volunteers, they are more likely to work with you to help reduce the liabilities and risks associated with dealing with youth and children.

Take the time after hiring to educate staff on your policies and procedures. Be sure to emphasize that sexual misconduct training is not accusatory; rather, it is for their protection. Also, it is a good idea to re-train all staff annually as a reminder about the seriousness of the risk.

Respond Immediately to Allegations

Many organizations get into trouble, not because they failed to conduct the necessary background and reference checks, but because when there was evidence of accusations or problems, they did not react quickly and appropriately.

In training sessions, stress that all staff members—including volunteers—are required to report suspicions or evidence of abuse to senior staff members. Senior staff should forward these reports immediately to the proper law enforcement officials.

To avoid further risk, take immediate action. Remove the employee or volunteer who is allegedly responsible from duty and do not allow him or her to supervise or come in contact with minors until the investigation is complete. This may be a difficult step, especially if it causes hardship or if there is widespread belief the staff member is innocent, but it is crucial for preventing expensive lawsuits claiming negligence.

Documentation is the key to reduced risk in allegation-response situations. Keep detailed written records of the allegations and of any interviews with the victims or the alleged abusers. Re-visit your records and make sure they reflect the background checks and reference checks you conducted to further document your efforts to prevent abuse situations.

The bottom line is that your organization should work to avoid all circumstances that could lead to accusations of sexual misconduct or abuse, whether those claims are legitimate or false. You have the duty to protect your staff, volunteers and patients from the risks of harassment and harassment accusations. The nature of your organization makes this significantly more difficult, but with proper guidance and careful planning, you can mitigate risks and liabilities.

If you have specific questions or would like additional information, please reach out to your local advisor.

LET US HELP YOU MANAGE YOUR RISK

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