

A Guide to the Regulation on Quality Assurance Measures



DISCLAIMER: This is a plain language guide to help you better understand the Regulation on Quality Assurance Measures. The full regulation is available at: www.e-laws.gov.on.ca/html/regs/english/elaws_regs_100299_e.htm

Information and examples presented in this guide should not be relied on for legal guidance or legal advice. You should consult a lawyer for any legal questions or advice about this regulation.

Introduction

The government wants to improve services and supports for adults who have developmental disabilities and their families.

It wants services and supports to:

- Be fair, so that everyone gets treated the same way
- Be flexible, so that services and supports better meet people's needs, and
- Be here for the future.

To make these changes, the government passed the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008. This new law will replace the Developmental Services Act, which was put in place over 35 years ago.

About the Regulation on Quality Assurance Measures

The new regulation is part of the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008. It talks about the rules that agencies and Developmental Services Ontario (called Application Entities in the Act) must follow. Quality assurance measures are rules that help agencies and Developmental Services Ontario provide high quality services and supports and meet set standards.

Who has to follow these rules?

Service agencies: Also called agencies, these are organizations that are funded by the Ontario Ministry of Community and Social Services to provide services and supports to people with developmental disabilities.

Application entities: This is a legal term for Developmental Services Ontario, which is where people can:

- Get information about services and supports
- Find out if they can get help, and
- Complete an application.

These organizations will make sure that everyone applying for services and supports is treated in the same way.

Individuals or families receiving direct funding do not have to follow these rules on quality assurance measures. The Ministry of Community and Social Services will have separate rules for direct funding. Direct funding is when money is paid directly to an adult with a developmental disability or to someone else for that individual. Giving money directly to people lets them manage their supports and make their own decisions.

What do organizations need to do to follow the new rules?

Agencies and Developmental Services Ontario need policies and procedures about the quality of their services and supports. These are the rules they must follow.

Policies and procedures are usually kept in a book in the agency's office or at Developmental Services Ontario where everyone who works there can read them. They give staff and volunteers the information they need to do their jobs. The ministry will make sure the rules are followed.

When agencies give money to another organization or person to provide services and supports, they must make sure that the organization or person follows the same quality assurance rules that apply to agencies. These agencies must check to see that the other person or organization is following the rules.

Everyone in the agencies and Developmental Services Ontario must follow all policies and procedures. Each agency and Developmental Services Ontario will review its policies and procedures regularly, and update them as needed.

In some cases, the Ministry will give agencies and Developmental Services Ontario flexibility to create rules that best fit their services and supports. In other cases, the Ministry will tell agencies and Developmental Services Ontario what rules they must follow. The Ministry will check to make sure that agencies and Developmental Services Ontario are following these rules.

What are the deadlines for following these rules?

The quality assurance rules for **agencies** came into effect on **January 1, 2011**.
The rules for **Developmental Services Ontario** will come into effect on **July 1, 2011**.

What quality assurance measures do agencies have to put in place?

Each part of the Regulation on Quality Assurance Measures deals with different topics. Some parts apply to agencies, and others apply to Developmental Services Ontario.

The rest of this booklet will tell you about the topics covered in the regulation, looking mainly at the parts that apply to agencies.



General Quality Assurance Measures for Service Agencies

Promoting social inclusion, individual choice, independence and rights

Promoting social inclusion means supporting people so that they can be a part of the community through activities such as volunteering, working, and participating in local sports teams. Agencies must provide support to make sure people with developmental disabilities can be a part of the community where they live.

Agencies must make sure that people have the supports they need to live on their own or with others, and help people make informed choices.

All agencies must have a mission statement, service principles and a statement of rights. These talk about the agency's values and explain how it provides support. They should show how the agency will help people participate and be included in their communities.

Agencies must explain their mission statement and policies to everyone who uses their services and supports. Agencies must also hold meetings to discuss these policies and values with their staff, volunteers and board members.

Developing individual support plans

Agencies must have a support plan for every person who uses their services and supports. The plan must be made with the person who has a developmental disability or someone acting on their behalf. This plan must be checked and updated each year.

Individual support plans should include information on:

- The person's goals and expected results
- Services and supports the person will get from the agency
- Steps to make sure the person is healthy and safe
- Whether the person needs help to manage their money, and
- Other community resources that may be available (such as a sports team at the local gym or a program at the library).

Helping with day-to-day finances

Sometimes a person with a developmental disability needs help to manage money. Agencies must have rules to explain how they can help a person to manage money, if the person needs or asks for help.

Agencies have to keep a separate record for each person who gets help. That record also has to be checked each year by a third party. A third party is someone other than the person at the agency who helps with finances.



Health promotion, medical services and medication

Agencies must have rules about providing public health information to the people they support. This can help people make informed choices about their health and can include information on:

- Nutrition
- Fitness
- Hygiene, and
- Personal safety.

Agencies need to have rules about monitoring the health concerns of people they support, when these concerns are included in their support plans.

Agencies must keep records of medical services provided to the people they support. Agencies must also have rules about how they handle, store and use medication.

Staff and volunteers working directly with people who have a developmental disability must be trained on first aid and CPR. CPR is an emergency procedure that is performed when a person's breathing or heartbeat stops.



Preventing and reporting abuse

Agencies need to have policies and procedures that keep everyone safe. These rules explain that no type of abuse or neglect is allowed. Types of abuse include:

- Physical abuse, which may include:
 - o hitting
 - o pushing
 - o kicking
 - o rough handling
 - o using an object or weapon to hurt someone
 - o wrong use of medication
- Neglect, which may include:
 - o not giving proper food, clothing or hygiene
 - o not taking care of health and safety needs
- Sexual abuse, which may include:
 - o touching someone's sexual body parts or forcing them to do something of a sexual nature they do not want to
 - o forcing someone to have sex when they do not want to
 - o making someone watch pictures or videos that make them uncomfortable
 - o making offensive sexual comments and jokes and saying things that hurt someone or make them uncomfortable

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- Emotional abuse, which may include:
 - o bullying
 - o creating fear or scaring people
 - o keeping someone away from their friends and family
 - o not giving people privacy
 - Verbal abuse, which may include:
 - o making comments on things like race and gender
 - o threatening people
 - o using abusive language or swearing
 - Financial abuse, which may include:
 - o stealing or taking someone's money by forcing or tricking them
 - o using someone's money without asking them
 - o forcing someone to sign documents to give their money to someone else
 - o making changes to someone's financial documents
 - o asking someone to steal or claim money that does not belong to them.

The rules must include information about what staff should do when:

- Someone says that they have been abused
- Staff see abuse happening, or
- Staff thinks that abuse might be happening.

In each of these cases, the agency must report the events to the police immediately. The agency cannot look into the situation before the police have completed their investigation.

The rules must also outline how to deal with staff and volunteers involved in the abuse.

Agencies must also check with the person who has been abused, to see if it is okay to tell family members or another person acting on that person's behalf about the abuse.

Agencies must train their staff, volunteers and board members on these policies every year.

Agencies also have to explain these policies to people receiving services and supports, and help them be aware about abuse and how to protect themselves.

Agencies must review their policies and procedures every year to see how effective they are and make the changes needed to stop abuse from taking place.

Confidentiality and privacy

Agencies must have rules about confidentiality and privacy. These are rules that protect the personal information of people they support. Agencies need to have rules about collecting, using, or sharing people's personal information. The rules must follow Ontario's privacy laws and any agreement the agency has with the government.

Agencies also have to train staff, volunteers and board members about these rules.



Safety in agency owned or operated places

There are a number of things that service agencies must do to make sure people are safe:

- Having an approved fire safety plan, according to the rules of Ontario's Fire Code
- Having a plan that contains steps to make sure that people are safe in an emergency such as a natural disaster like a flood (called an emergency preparedness plan)
- Training staff on the fire safety plan and emergency preparedness plan, and
- Having a plan for situations where there is a service disruption (for example, when staff are not able to come to work).

Agencies have to keep equipment in good working order. Examples of equipment may include:

- Elevators
- Vehicles
- Heating and cooling systems, and
- Smoke detectors.

Keeping people safe

Agencies must also have rules about the personal safety and security of the people who receive services and supports. Agencies need to have enough staff to ensure people's safety and well-being.

Human resource practices

Agencies must complete reference checks and police record checks for all staff, board members, and volunteers. The checks must happen before those individuals can work directly with people receiving services and supports without being supervised.

All staff and volunteers must be trained on the agency's policies and procedures about reference checks and police record checks.

Service records

Agencies must keep records on file for all people receiving services and supports for seven years after the person stops receiving services and supports from the agency.

Agencies must also have rules about keeping and storing all records or files.



Quality Assurance Measures Related to Behaviour Intervention Strategies

This part of the regulation talks about behaviour intervention plans. These plans tell staff how they can help someone who behaves in a way that puts that person or others at risk of harm.

This part of the regulation applies to service agencies when they are providing:

- **Supported group living residences** - these are staff-supported homes where three or more adults with a developmental disability live and get services and supports from an agency.
- **Intensive support residences** - these are staff-supported homes where one or two adults with a developmental disability live and get full-time services and supports from an agency.
- **Community participation supports** - these can include:
 - o social and recreational activities
 - o work activities
 - o volunteer activities
- **Activities of daily living services and support** – these help people with day-to-day activities such as:
 - o making meals
 - o getting dressed
 - o taking their medication
- **Caregiver respite and support** - this helps family members who care for people with developmental disabilities get some rest and support.

General behaviour intervention strategies

Some people who have a developmental disability may also behave in a way where they may hurt themselves, hurt other people or damage property.

Agency staff need to know how to help a person who may harm themselves or others. This is called 'behaviour intervention'. This part of the regulation talks about the Ministry's requirements about behaviour intervention methods and plans.

Agency staff may need to use different ways of helping people in different situations. For example, staff may use positive strategies such as helping individuals by talking to them to help them calm down, or to help solve their problems. Staff may use intrusive strategies only in situations where individuals are at a serious risk of injuring themselves or someone else.

The regulation states that all agencies must have rules about the use of behaviour intervention strategies for people who might hurt themselves or others or damage property.

Training in behaviour intervention strategies

Agencies have to train staff and volunteers on how to support these individuals and help them with their behaviour. Agencies must make sure that all staff learn how to help a person when that person's behaviour is out of control and when that person cannot calm down.

Behaviour support plans

Every person who behaves in a way that may be harmful, needs to have a behaviour support plan. The plan lists how staff should support that person. It also lists the ways agency staff can help them, starting with positive methods and may also include more intrusive methods.

The plan is based on the person's needs and well-being, and must be written by people who have skills in this area. The regulation tells agencies what professionals can write these plans. Agencies must review these plans at least twice a year. Staff and volunteers who work directly with a person who behaves in a way that may be harmful must be trained on how to use the person's behaviour support plan.

Using intrusive behaviour intervention

Staff should use intrusive behaviour interventions only when a person might hurt themselves or someone else or damage property. Staff must use the least amount of force possible.

Quality Assurance Measures Related to Residential Services and Supports

Agencies that provide services and supports for intensive support residences (where one or two adults live with full-time support) and supported group living residences (where three or more adults live with support from an agency), have to meet some extra quality assurance standards.

Supporting the well-being of the person

Agencies must support the well-being of people who live in these residential settings. This includes things such as:

- Helping people get to medical and dental appointments
- Providing information on health and nutrition, and
- Having rules about providing nutritious meals, care of personal property, and pets and service animals (such as guide dogs and other animals that assist people with disabilities).

Ensuring comfort and safety in residences

Agencies must also make sure that residences are safe, which includes:

- Keeping all appliances in good working order
- Storing dangerous materials safely (for example cleaning materials or other chemicals)
- Providing comfortable bedrooms with enough space for personal items and private activities
- Having clean and safe recreation and common areas , and
- Maintaining comfortable temperatures in the home throughout the year.



Quality Assurance Measures for Developmental Services Ontario

The last part of the regulation talks about the rules that Developmental Services Ontario must follow. Many of them are similar to those for agencies. These are:

- Promoting social inclusion, individual choice and independence
- Preventing and reporting abuse
- Maintaining confidentiality and privacy
- Ensuring safety on site
- Having human resource practices about training and reference checks for the people who work there
- Keeping service records.



How can I learn more?

For more information, contact us at:

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Click on Developmental Services

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