



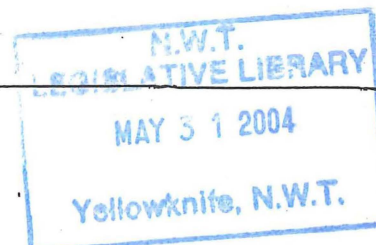
## REPORT TO THE OFFICE OF THE PUBLIC GUARDIAN ON ABORIGINAL PARTNERS AND YOUTH SOCIETY

April 20, 2004  
By WJS Alberta

### BACKGROUND

At the request of the Office of the Public Guardian on March 16<sup>th</sup>, 2004, a review was undertaken by WJS Alberta to address specific allegations of abuse related to care provided by the Aboriginal Partners and Youth Society. The Office of the Public Guardian is the Court appointed guardian for five disabled persons residing in group homes operated by this Agency (APYS). The reviewers were provided with the sworn affidavit of Vicki Cowan (dated February 13, 2004), former Executive Director of the Aboriginal Partners and Youth Society, and the sworn affidavit of Jodi Stonehouse (dated February 13, 2004), former employee of the Agency hired to assist with the *Creating Excellence Together Standard Certification Review*. These documents contained both very general and specific allegations including:

- abusive and intimidating behaviour of some staff towards other staff and towards residents,
- clients being at risk due to actions of the staff,
- CEO ignoring concerns about deteriorating care and acting abusive and threatening towards staff raising concerns,
- the employment of Mr. Hinton who is violent, untrained and unsuited for the work, and who is abusive to residents and staff,
- the misuse of agency funds by the CEO to her own benefit,
- staffing levels do not reflect needs of clients and put both staff and clients at risk,
- staff are not trained in appropriate behaviour management methodologies,
- a fire started by a resident in December 2003 was the result of not being supervised,
- there is inadequate food for long periods of time, minimum dietary standards were not being met,
- an incident on February 9<sup>th</sup>, 2004 between two residents resulted in one resident breaking her arm,
- on February 9<sup>th</sup>, 2004, Mr. Hinton assaulted a client by throwing him on the ground, kneeling on him and pushing his face onto the floor (apparently reported by a third party, unclear if reporter witnessed directly),



- that a staff person (Ms. Stonehouse) was asked to fabricate information to convince funders that CET standards were being met (not clearly identified who threatened her), she also states that she felt her own safety was threatened by both Mr. Hinton and Ms. Stevens.

In addition, the viewers were provided with the sworn affidavit of Mr. Hart Chapelle, CEO, Edmonton Region Board for Persons with Developmental Disabilities, (dated February 13, 2004), and the "First Report of the Receiver", PriceWaterhouseCoopers Inc. (dated February 27, 2004). These documents indicated that three and possibly four investigations were initiated:

- **PriceWaterhouseCoopers:** Was appointed as Receiver Manager on February 13<sup>th</sup>, 2004. First report of February 27<sup>th</sup> based on "interviews of the management and staff . . . as well as available records". Focus of review was the financial and operational affairs of the agency. Stated that "there appears to be serious grounds for concern that the health, safety and well-being of the group home residents would be at risk if control of the group homes reverted to former management at this time. There are also concerns with respect to the proper use of the funding". As part of this review, four ERCB staff assessed the care of clients (not clear if they were Edmonton Region PDD staff, or if they compiled a report). The report does state that client files were reviewed and staff interviewed identified problems outlined in Appendix "B" of the report. Unclear if a final report was completed or at what stage Mr. Hinton's and Ms. Steven's return to work was supported. The Public Guardian advised that no further reports had been provided to them.
- **Police Investigation:** There are several references in the documents to a police investigation. It is unclear whether an investigation was done or is underway regarding the alleged assault by Mr. Hinton against a client and/or if they are investigating any issues related to allegations of missing funds. Neither the Agency, nor the Public Guardian representatives were aware of this investigation.
- **Alberta Association of Rehabilitation Centres:** A review for certification was undertaken, and it was agreed that this report would be provided to WJS Alberta, through the Public Guardian, to supplement this review in the interest of reduced disruption to the Agency, staff and residents and to avoid duplication of activity. However, on April 8<sup>th</sup>, 2004, we were advised that the report would not be completed nor provided to us.
- **SKILLS:** Staff from this Agency apparently completed a review of client care and programming and gave the Agency Director, Ms. Tracy Stevens, positive feedback.

It was initially hoped that a mechanism could be set up to share information and co-ordinate reports into one comprehensive review, as each investigating party is credible and expert in their field. Our focus would be to supplement these reports through pursuit of information specific to client progress (as assessed by involved professionals) and review specific allegations of client abuse identified in the affidavits as a fire at Mukluk Manor, a restraint incident on Feb. 9<sup>th</sup>, 2004, and injury to a client on Feb. 9<sup>th</sup>, 2004. This co-ordination of information did not occur, and we lost our ability to support our findings with findings of the other investigations.

### **LIMITATIONS OF REVIEW**

The environment in which this review was conducted was challenging. The Agency is under receivership with PriceWaterhouseCoopers, and issues related to the receivership are before the courts. The court action, and the risk the Agency faces of loss of their contract, appear to have contributed to an environment in which tensions are evident. Funding problems have resulted in cheques being returned and payroll being missed. Staff have left due to job insecurity and the day program was reduced to ensure full staffing of the residential programs. Several reviews had occurred, or were underway at the same time that we were present. We were concerned that our involvement could cause further disruption to the Agency and clients. Files were being reviewed or held by different parties, and staff and clients were being interviewed at the same time that we were on site.

The decision of AARC to cancel their report has particularly impacted our review, as we planned to corroborate our findings with their extensive review of files and interviews with clients and staff. A certification review by AARC is considered to be a thorough report on compliance of an agency to required standards, and covers all aspects of policy, programming and administration.

Our review therefore focused solely on interviews with staff still with the Agency that were witness to key allegations, and to clients who were involved. As these specific incidents occurred several months previously, clients particularly had difficulty recalling details of the events.

### **PROCESS**

Consents for Release of information (Appendix "A" attachment) were provided by the Office of the Public Guardian for five of their clients. The Agency and Office of the Public Guardian provided contact information for the supporting professionals involved with these individuals. The Agency Director also arranged for staff and clients involved in specific incidents to be available on site for interviews. The interviews were conducted between March 18, 2004 and April 8, 2004. Standardized formats of open-ended questions were developed as guidelines for

the interviews (Appendix "C" attachment), although the opportunity was presented for individuals to express themselves fully and add information that they felt was relevant.

Five staff involved in the specific allegations were interviewed from the Agency, including Mr. Hinton (Supervisor) and Ms. Stevens (Agency Director); the two clients involved in the specific events of the fire at Mukluk Manor and the restraint by Mr. Hinton; four supporting professionals involved with the Agency and five clients represented by the Office of the Public Guardian.

We were also provided with the opportunity to meet and observe other Agency staff and clients informally in the administrative offices and within the day program area.

## FINDINGS

*Interviews were conducted with the professionals involved in supporting individuals served by the Agency and represented by the Office of the Public Guardian. Responses focused on the impact or difference that the Agency had made in individual quality of life, assessment of improvement or progress toward treatment goals, assessment of risk, and general comments and observations about the Agency. These interviews reflect the experiences of two psychiatrists, one psychologist and a Public Guardian that have been actively involved in client's lives and with this Agency since its inception.*

### March 18<sup>th</sup> Interview with Dr. Oto Cadsky (Psychiatrist):

Dr. Cadsky has been working with Vincent Benaya for the past three years. Vincent has been making excellent progress since he started to receive services through APYS. He has fewer problems and critical incidents since being with this Agency. Dr. Cadsky last saw Vincent on February 26<sup>th</sup>, 2004. During that session Vincent stated that he likes where he is living and he likes the staff and did not want to go back to any of the other previous Agencies.

Vincent has never been suicidal so Dr. Cadsky has not been contacted with regard to this issue, but the Agency has contacted him regarding other critical incidents and the Agency also accesses the Crisis Team in emergencies.

Dr. Cadsky did not have any concerns regarding the allegation of inconsistencies in administering medication. He felt it would be evident in Vincent's case if he was not getting medication on a regular basis.

Dr. Cadsky believes that if Vincent is moved at this time or if any major changes are made that he will "go nuts". The fewer changes that occur, the better for him.

He has a history of a lot of changes and there is always a significant increase in violence and other difficult behaviour.

Dr. Cadsky further supported his opinion with a letter to the Office of the Public Guardian dated March 16<sup>th</sup>, 2004 (Appendix "B" attachment).

**March 22<sup>nd</sup> Interview with Dr. Dale Parr** (Psychologist):

Dr. Parr is the primary clinician for Aboriginal Partners and Youth. He has worked directly with five individual clients in the Agency. He has also had contact with some of the other clients.

Dr. Parr feels that the clients he has the most contact with, have been making excellent progress in the Agency. He attributes this progress to the aboriginal programming and to some good matches with staff.

Dr. Parr spends time individually with clients but also spends time observing within the Agency itself. He has seen some good examples of staff defusing situations appropriately. The environment and individual rooms are clean and well taken care of.

The staff consistently follows through on clinical recommendations but they do not always follow through on programming and staffing recommendations. He believes there are some inconsistencies regarding medication administration but also believes that this is partly due to the Agency not having consistent policies and procedures around such practices. The Agency currently has a high staff turnover, which leads to further inconsistencies.

The Agency is good at consulting with him on a regular basis.

**March 22<sup>nd</sup> Interview with Dr. Marnle Hinton** (Psychiatrist):

Dr. Hinton has been involved with several clients from the Aboriginal Partners and Youth Society after they were admitted to Alberta Hospital Edmonton.

Dr. Hinton stated that her interactions and contacts with the Agency were positive. She has no reason to believe that her recommendations were not carried out by the Agency. She has seen good progress in the clients she has worked with. They have shown greater stability and longer periods of sobriety since being with this Agency.

Dr. Hinton feels that the Aboriginal connection and programming that occurs within this Agency are very important with regard to the progress these individuals are making.



**March 26<sup>th</sup> interview with Mr. Paul Kohl (Office of the Public Guardian):**

Mr. Kohl has been involved with the Agency since its inception. Mr. Kohl referred the first client in October 2002, and is currently legal guardian for five individuals receiving services from the program. He stated that he believes he has had the most consistent involvement with the Agency of anyone currently involved. His overall description was that the Agency "rescued people from other Agencies" and the results for the clients are "an amazing transformation".

An example he gave was that staff who previously worked with Nathan at another Agency had expressed their amazement at the positive changes they now saw. Nathan has progressed from chronic to no involvement with police.

Phillip was "rescued from the Remand Centre" and now carries himself with confidence, has a more positive affect, reduced incidents of AWOL and aggressive behaviors, and no longer requires police involvement (for assaults, etc.). Family members have also expressed to Mr. Kohl that they feel more "respected" by this Agency compared to other Agencies they were involved in (Rob Tremblay, uncle of Nathan). Vincent's mother, who was labeled as "difficult to deal with" by other Agencies, is now very positively involved with her son due to the Agency CEO's intervention with her.

Mr. Kohl described Agency CEO, Tracy Stevens, as "very responsive to any requests made by his office". He always felt that he was involved appropriately and alerted when necessary. He stated that where other Agencies called him frequently about their frustration with client's behaviors and their difficulty coping, the current Agency staff and CEO would contact him regarding incidents as required by policy, but with pro-active solutions about the same clients. Other Agencies always seemed to react by calling the police. He states that the Agency "tries to be responsive in unique ways from other Agencies, if something was needed for a client it would happen (i.e. travel needs, recreation)". He was also impressed with the Aboriginal context of the program, the elder involvement, healing sweats and smudging. He noted that Mukluk Manor has a room designated for smudging and traditional sharing circles, and that the day program starts the morning with a sweet grass ceremony. He has observed these activities and heard them referenced positively by clients.

Mr. Kohl stated that the Agency served individuals with very high needs and challenging behaviors such as FAS and brain injury, resulting in past chronic legal problems and high-risk behaviors. He believes that this Agency improved their quality of life, resulting in reduced high-risk behaviors. He has observed that the Agency's style is different and more successful than other Agencies involved with the same clients in that they do not use a "power over" style used by others. Clients are treated respectfully and are busy with activities. "Things are tried with them not tried anywhere else". He noted that he appreciated that clients were even paid by the Agency for any jobs they did, such as repairs.

Mr. Kohl stated that he has never had any concerns that clients were in danger. He has regular contact with them, and believes that he has always been appropriately informed and involved in decisions. An example he gave was the fire at Mukluk Manor. He believes that although he had some concerns about the level of staffing at the time, the incident was handled appropriately and decisions made in the best interests of the residents. He states that the home "was not a burned out wreck of a house", that "the insurance company said that it was o.k. for the residents to return". He stated that he was involved in all steps and decisions for the residents to return there, believing that it was safe and more appropriate for them than the "risk of living in a place in the city".

Mr. Kohl closed by stating that he is very concerned that clients will be stressed if the Agency is "de-stabilized". He has already heard from clients that they are being impacted by the loss of the day program. He believes that they have received a unique and quality service that has "transformed them". He describes the staff and CEO as "very giving", putting the needs of clients first. He is impressed that the Agency has provided services even when there was no revenue (Clifford) and is often providing needed extras to clients without worrying if it was funded. He believes that if clients are moved and separated from each other and staff they know that they would regress significantly.

Regress

***Interviews were also conducted on March 29, 2004 individually with staff and clients involved in two specific allegations of abuse and client endangerment; the fire at Mukluk Manor on December 20, 2003, and the restraint of a client (Phillip) by Agency Supervisor Sheldon Hinton on February 9, 2004.***

**March 29<sup>th</sup> Interview with Hooshang Ghahramanlou (Staff):**

Mr. Ghahramanlou started working at APYS in July 2003 supporting individuals in the group homes as well as at the day program.

He has 10 - 12 years experience working with people with disabilities but no previous experience working with individuals with FAS, substance abuse, high risk behaviors and high AWOL tendencies. He has completed training in Medication Admin, Suicide Prevention, Crisis Intervention, Sexual Abuse and First Aid. His orientation to the Agency consisted of reading client files and policies but he feels you also learn a lot from working directly with the individuals.

Mr. Ghahramanlou stated that medication training is provided and medications are all locked in a cabinet. Incident reporting is broken down into two different types - clients that are AWOL, which is a critical incident, and medical incident reports. They complete daily logs and summarize client progress into a monthly report. The organization does the shopping for the food in all the residences every two weeks and there is money available for extras if needed (i.e. more

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## Staff

1. Tell me what your role is with the agency? How long have you been here?
  - What is your education and work experience?
  
2. What orientation and training did you receive while working here? i.e. agency policy and procedures, medication delivery, first aid, behavioral support, abuse protocol.
  - What are restrictive procedures and under what conditions can you use them?
  - What are prohibited procedures?
  - What training have you had on restraints?
  
3. What do you like most about this agency/program?
  - Tell me more about this. Can you give me some examples?
  
4. What do you like least about this agency/home?
  - Tell me more about this. Can you give me some examples?
  - If you have concerns with the agency or a staff person, is there a way to address it in the agency?
  
5. Have you ever had concerns about the quality of client care?
  - Can you recall any examples when an individual was at risk or harmed while in the agency's care?
  
6. Have you ever had concerns about the way you were treated while working here?
  
7. What does this agency do best, what does it do less well, and how could it improve?
  
8. How would you describe the main purpose or goal of this agency?





# Aboriginal Partners & Youth Society

#215, 11086 – 156 Street, Edmonton, Alberta, T5P 4M8

Tel: (780) 471 4843 Fax: (780) 483 2880

## List of Courses Given

Date(s)	Course Name	Administrator
October 3 2003	Medical Administration Course	Lydia Molinara
November 8, 9, 2003	First Aid	Through Bosco Homes
November 15, 2003	Report Writing	Tracey Stevens/Dale Parr
Nov.12, 2003	Aboriginal Awareness	Tracey Stevens/Dale Parr
Dec.10,11 2003	Suicide Intervention Training	Through Bosco Homes
Dec. 14, 2003	Computer Training	Donna Morrasso
January 4, 2004	Addictions/Sobriety Workshop	Armand Bekatra
January 11, 2004	HIV Workshop	Tracey Stevens
January 12, 13, 2004	CPI	Neil Dunigan
February 10, 2004	Abuse Protocol and Response Training	Jim Hess
February 21, 22 2004	Medical Administration Course	Lydia Molinara
March 22, 23, 2004	CPI	Danny Burrell
April 8, 2004	Crisis Intervention	Dr. Dale Parr
April 15, 2004	Behavior Management	Dr. Dale Parr
April 22, 2004	Treatment Planning	Dr. Dale Parr

Decisions following the fire appear to have been handled appropriately with the best interests of clients supported. Statements from staff and the Public Guardian consistently represented that living conditions were appropriate. Individuals currently residing at Mukluk Manor have their own rooms.

Allegations of Abuse - Two incidents were reported in which clients were injured. Staff described an incident on February 6<sup>th</sup>, 2004, involving a client (Phillip) injuring his hand and a second incident on February 10<sup>th</sup>, 2004, when a client injured her wrist in the day program. The first incident was followed up immediately with medical attention. The second incident resulted in delayed medical attention as the Day Program Coordinator denied permission for the client to be taken to a doctor. This Coordinator only worked for the Agency for a period of four days. Staff are to be commended for continuing to advocate for the client to be seen by a physician, resulting in her being seen and treated the same day. All staff interviewed were familiar with appropriate policies and protocols regarding critical incidents, such as client injuries.

The final allegation of abuse addressed was regarding the restraint used on Phillip by supervisor Sheldon Hinton on February 9<sup>th</sup>, 2004. Three staff were interviewed who witnessed the restraint, as were Mr. Hinton and the client. All confirmed that they believed that the restraint used was appropriate and required to prevent injury to staff and other clients present. They have all had training in restraints, but could benefit from recent updated training on holds that are more appropriate and as effective.

Train Staff in Updated Training on Restrictive Procedures - It is recommended that updated training on Restrictive Procedures be provided. There have been significant changes, and the new training teaches holds and restraints that are better options than the hold used by Sheldon Hinton (i.e.: a two-man restraint or the restraint in an upright position).

Train Staff in Positive Practices - We did find that the staff we interviewed seemed unclear when questioned about Restrictive Procedures and processes for completion of Positive Practices. It is recommended that the Agency proceed with its planned development of their "Behavior Review Committee", which can review critical incidents and monitor any follow-up recommendations.

## REVIEWER OBSERVATIONS

First Nations Programming is Important - All those interviewed believed that aboriginal culture is an important and effective part of the Agency's programs. Native art and murals are present in the offices and day program area. Notices are posted explaining that sweet grass is used. Charts are visible referencing guidelines for talking circles. Individual client collages on the walls reference their heritage. Both staff and clients interviewed spoke of activities such as

drumming, smudging and having moose meat brought in. Elders are referenced as being a valuable resource to the program. The values and philosophy of the Agency as identified by the Agency Director and staff reflect their cultural base. Protocols and manner of interacting through relationship was evident.

Strong Relationships - The reviewers also noted the warmth of interactions between clients and staff and the respect and pride when staff spoke of the progress and successes of individual clients, and the programs they hoped to develop for them. At the same time, there is also a heightened sense of anxiety, frustration, anger and confusion about the events that led to receivership and the current funding problems. Staff that we interviewed and met informally spoke of their loyalty to the Agency and closeness to clients. They also acknowledge that they might have to pursue other work if issues aren't resolved soon.

Challenging Context for a Review - The environment in which this review took place was challenging. The Agency is under receivership with PriceWaterhouseCooper, and a certification review by AARC was underway concurrent to our time there. There is also tension due to Court actions surrounding the receivership action. Several parties were reluctant to speak to us, and Information was difficult to access as it was either under review by another party, or in the hands of the receiver. It was also challenging for staff and clients to be asked to recall specific events that occurred several months past. In spite of these challenges, we found the Agency Director, Tracy Stevens, and staff we dealt with to be generous with their time and responsive to all requests that we made. It should also be noted that we were impressed that the Agency was interested in receiving feedback from us informally and responded quickly when suggestions were made.

Review and Revise Staffing Models and Procedures - We also recommend that staffing models be reviewed, particularly in residences with high need individuals. Policies also need to be reviewed addressing situations when scheduled staff are absent. In the case of the fire at Mukluk House, a team leader or supervisor should have been consulted when scheduled staff did not arrive, and made the decision on cover-off. The decisions made about placement of the residents following the fire seemed appropriate and focused on the best interests of the residents, given the Information provided by the staff and the Office of the Public Guardian involved in each decision.

Professional's Comments on the Level of Risk - Information presented by professionals involved with the Agency and individuals represented by the Office of the Public Guardian do not support a conclusion that these clients were at eminent risk. In fact, they clearly identify that these individuals have made substantial progress since moving to these programs. This does not suggest that there are not areas of practice, training and processes that would not be improved, but suggests instead that there are strengths in the Agency

programming and practices that have benefited clients and need to be considered.

**Agency Needs Assistance** - We do believe that there are issues that need to be addressed and pursued further, but certainly our experience was that the Agency was prepared and committed to improvement and open to any support offered. Our concern now, is that the disruption to programming for clients and the loss of staff may contribute directly or indirectly to risk for clients. We would recommend that partnerships be pursued to support the Agency through practical on-site staffing assistance from other Agencies (e.g. SKILLS, Robin Hood) through to training support and/or sharing protocols and policies.