RHRA Retirement Homes Regulatory Authority

Insight Series

ISSUE #1

Compliance Trends in Protection from Abuse and Prevention of Neglect

Partnering in Protection

Promoting a Culture of Care in Ontario's Licensed Retirement Homes

March 2025

Vision

Seniors living with dignity, choice and confidence in licensed retirement homes.

Mission

Working collaboratively to protect Ontario retirement home residents through effective right-touch regulation.

To fulfill its mission, the RHRA:

- Uses data, evidence and analysis to support a risk-based approach to decision-making.
- Informs, educates and engages current and prospective residents, families, partners and other stakeholders.
- Informs, guides, licenses, inspects and educates retirement homes to help them comply with care standards and regulations.
- Uses all available tools to protect residents, including enforcement.

Values

Excellence

Efficient, effective and continuously improving.

Integrity

Principled, honest and respectful.

Adaptability

Responsive, proactive and innovative.

Accountability

Transparent and responsible actions.

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Message from the Deputy Registrar

> Fostering a culture of care involves recognizing the underlying causes of non-compliance and providing tailored support that considers the operational realities of retirement homes.

On behalf of the RHRA, I am pleased to introduce the inaugural Insight Series, a key initiative that equips retirement homes with a new source of sector-specific data and delivers on our commitment to share compliance-related information with the sector.

We recognize the dedication of licensees, operators, managers and staff who care for seniors in licensed retirement homes across the province. At RHRA, we are committed to collaborating with you to support these efforts.

The **Insight Series** provides sector-wide data intended to inform your home's operations and practices to meet compliance standards, ultimately benefiting resident health, safety and well-being. By sharing these insights, we aim to help you foster a strong culture of care in your home, where the insights can be used to enhance ongoing conversations focused on improvement.

This inaugural report focuses on **protection from abuse and prevention of neglect**. It presents inspection data from across the sector, highlighting key trends in non-compliance and the impact these trends have on resident safety and well-being. Licensees and operators can use this information to inform, review, intervene and strengthen their practices according to the areas covered in the report.

The RHRA is focused on proportionate regulation that is engaged, collaborative and evidence-informed and we are committed to developing, guidance and resources that help licensees and operators achieve compliance and support resident health, safety and well-being. The Insight Series contributes to this enhanced effort and will complement upcoming guidance and resources related to abuse and neglect that will be shared with the sector.

Thank you for contributing to the care and well-being of Ontario's licensed retirement home residents. Should you have any questions related to the contents of the Insight Series, or how the RHRA can provide you with guidance and compliance support, we encourage to you get in contact with our Licensee Engagement and Support team.

We value and appreciate the devoted efforts of everyone working in Ontario's licensed retirement homes and we look forward to connecting with you.

Anastasia Shiamptanis
Deputy Registrar, RHRA

About the Insight Series

The Insight Series reinforces our dedication to providing support and guidance to licensees and assisting homes in meeting the standards required for licensed retirement homes. Through periodic updates, we will offer insights about retirement homes from across Ontario, providing valuable information on factors affecting residents and highlighting related guidance.

The first report informs licensees and operators about the legislative areas that have the greatest impact on resident health, safety and well-being. For the public and other stakeholders, the series highlights broader trends and potential collaboration.

The Insight Series is intended to complement the information outlined in the **Retirement Homes Act, 2010** and **Regulations** and relevant resources we have developed to assist the sector in achieving compliance. Each component of the Insight Series is developed to be both practical and actionable. Licensees and operators are encouraged to use the information to identify application to their own environments.

Future Insight Series will focus on other topics to enhance resident safety, such as behaviour management and medication safety. Licensees and operators are encouraged to utilize the RHRA resources identified in this report and can connect with the Licensee Engagement and Support team by emailing **info@rhra.com** if more tailored information or support is required.

In the next section, we outline the support that the RHRA already has in place for licensees. Together we can cultivate a culture of care by enhancing our understanding of challenges and by sharing knowledge between the regulator and licensees.

Partnering in Protection

RHRA's Resources to Support Licensees and Retirement Homes

The RHRA's mandate is to protect the safety and well-being of seniors living in Ontario's retirement homes. To help fulfill this mandate, the RHRA has created the following programs and resources to support licensees and operators:

Licensee Engagement and Support

- Licensee Engagement and Support (LES) is a program focused on providing support to the sector through the proactive development of compliance education resources and direct engagement with licensees and operators.
- LES administers our Compliance Support program (explained below), develops new resources, liaises with community partner organizations and facilitates presentations on various legislative related topics to the sector and other partners.

Compliance Support

- Compliance Support is a voluntary program where licensees, operators and other retirement home staff engage with the RHRA's LES team, receiving one-on-one support to improve areas where there is identified non-compliance or where homes may benefit from additional guidance. These areas may be self-identified, with licensees and operators requesting to join the Compliance Support program, or be recommended by RHRA staff, such as the inspections team.
- **Homes that participated in the Compliance Support program in Fiscal Year 2023/24 saw 76 per cent of their citations[1] closed upon follow-up inspection.** This impressive figure demonstrates how collaboration between retirement homes and the RHRA can lead to improved compliance and resident protection while mitigating the need for enforcement action. If you are interested in learning more about Compliance Support or would like to enroll in the program, please reach out by emailing **info@rhra.ca**.

1 A citation is the identification of a section of the Act or Regulations for which the licensee has not met the prescribed requirements.

Partnering in Protection

RHRA's Resources to Support Licensees and Retirement Homes

Resources for Licensees and the Public

- The RHRA offers a range of resources on its website to support licensees, consumers, and the public in understanding the requirements of the *Retirement Homes Act, 2010*.
- Some examples of resources include Compliance Assistance Modules (various topics), Guidelines, Fact Sheets, FAQs, Government Announcements. These materials are designed to provide licensees with convenient access to relevant information.

Safety Response Support

- The RHRA proactively engages with organizations such as Public Health, Ontario Health atHome and Fire Departments, among others, to establish a network of partners who can be mobilized to support retirement homes and residents in moments of crisis.

Licensee Engagement Forum

- The Licensee Engagement Forum's (LEF) purpose is to enable the RHRA to engage directly with licensees, operators and managers from various roles and types of retirement homes across the province.
- LEF contributors will have an opportunity to provide input on topics pertaining to the development and implementation of regulatory activities, operational matters and the RHRA's own continuous quality improvement initiatives. This includes subjects of mutual interest such as legislative requirements, sector guidance, compliance education, resources, support and engagement.
- To learn more, please visit the **LEF Webpage**.

Inspections

RHRA's Process in Determining Whether Non-Compliance Resulted in Negative Impacts to Resident Safety and Well-being

This section of the report provides insight into the two main types of inspections that the RHRA conducts, as well our process for determining whether non-compliance found at an inspection resulted in harm or negatively impacted a resident's safety and well-being. This could be a result of physical, social or psychological harm.

Compliance is primarily verified during inspections.
Below are the two types of inspections the RHRA conducts:

Routine inspections are conducted proactively and on a regular basis to verify general compliance with the Act and Regulation.

Responsive inspections are conducted in response to reports or complaints of situations that have impacted or are at risk of impacting resident safety and well being.

During a **Routine Inspection**, compliance is assessed based on several factors. The Inspector may observe the environment, speak with residents, staff, and other involved individuals, and review relevant documentation, including policies and resident care notes.

For **Responsive Inspections**, an Inspector will utilize all available information to determine if requirements were in place and adhered to before, during, and after an incident. If non-compliance is identified, an analysis is conducted to assess whether the non-compliance contributed to a negative outcome for a resident.

The diagram below outlines the process RHRA's inspectors follow when determining whether non-compliance is linked to negative impacts to a resident's safety and well-being:

Determination
RHRA Inspector considers whether harm has occurred to a resident

Compliance
Inspector uses evidence to verify whether a home is compliant or non-compliant

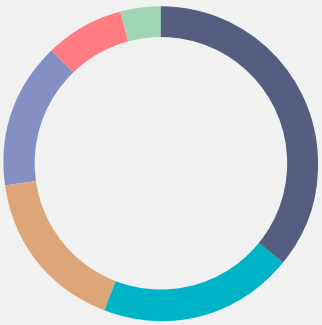
Analysis
Inspector analyzes whether there is a link between any non-compliance and the harm to a resident

Trends

Areas of Non-Compliance Most Closely Associated with Negative Impacts to Resident Safety and Well-being

Since this is the first Insight Series, the data spans the last five fiscal years (FY), helping to identify key compliance related trends[2]. The graph below highlights the areas of the legislation most closely linked to negative impacts to resident safety and well-being:

Areas of Non Compliance Most Closely Associated with Negative Impacts to Resident Safety and Well being FY 2019/20 to FY 2023/24



Abuse & Neglect	36%
Resident Record, Assessment, Plan of Care	20%
Behaviour Management	17%
Other Legislative Requirements	15%
Staff Training	8%
Medications	4%

It should be noted that the 'Other Legislative Requirements' section consolidates areas of the legislation that make up smaller percentages (less than four per cent), for example, complaints processes and Emergency Plans.

As shown in the graph, more than one-third of incidents negatively impacting resident safety and well-being were linked to the **Protection from Abuse and Prevention of Neglect**. Other frequently noted areas include Records of Assessments and Plans of Care, Behaviour Management, Staff Training and Medication Administration. Given this insight, licensees and operators can proactively assess their familiarity, comfort, and compliance in these key areas. Some proactive steps that should be considered include revisiting policies and procedures, auditing Plans of Care and Medication Administration practices, and observing staff to ensure they have received adequate training.

2 Sections of this report use information from the last five years. The information from the FY 2020/21 was impacted by the Covid-19 pandemic, as proactive inspection frequencies were temporarily reduced to allow licensees and operators to focus on pandemic management.

Protection from Abuse and Prevention of Neglect

The Act and Regulations hold licensees and operators accountable for protecting residents from **abuse** and preventing **neglect**.

- **Abuse** can come in the form of emotional, financial, sexual, verbal, or physical abuse.
- **Neglect** means the failure to provide a resident with the assistance required for their health, safety, and well-being, and includes a pattern of inaction that jeopardizes a resident's health or safety.
- Improper or incompetent treatment or care may contribute to abuse or neglect of a resident.

As per the Act, retirement homes must have a policy to promote **zero tolerance of abuse and neglect**, which sets out steps for preventing, responding to, and defining consequences for anyone who abuses or neglects a resident.

Non-compliance in this area is often related to the **implementation** of the zero-tolerance policy or the policy itself.

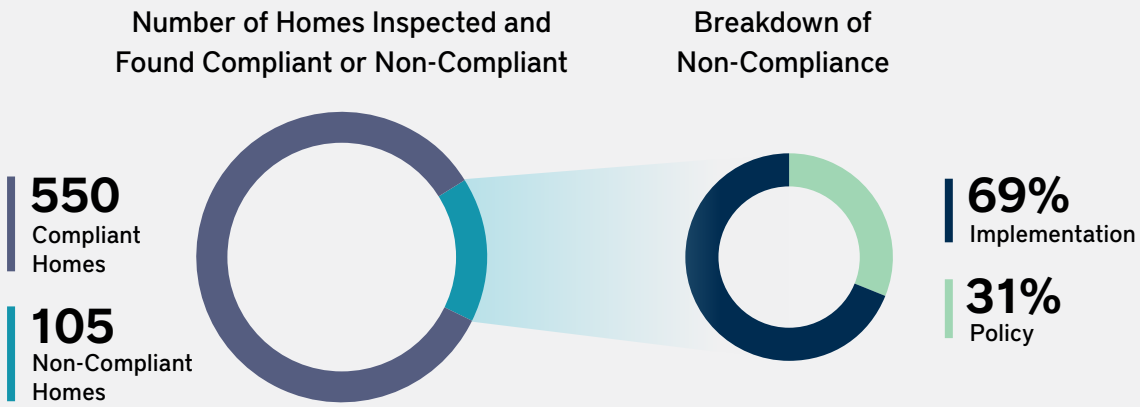
> ***Implementation-based*** citations are typically issued when an inspector identifies gaps in a home's response to a situation. For example, a home starts an investigation into an alleged incident of physical abuse, where there is suspected harm to a resident, but fails to immediately report it to any Substitute Decision Makers or the RHRA.

> ***Policy-based citations*** are typically issued when an inspector reviews a home's zero tolerance policy and identifies that it does not include content that is required in the Act and Regulations. For example, if a home's zero tolerance policy does not include consequences for those who abuse or neglect residents or an explanation of mandatory reporting to the RHRA.

Out of the 655 homes that were inspected last year, 16 per cent received citations relating to abuse and neglect. Further, of the homes that received citations relating to a home's zero tolerance of abuse and neglect policy, 69 per cent of the citations were implementation-based, as identified in the graph on the next page. This data underscores the importance of not only maintaining a compliant zero tolerance policy but also effectively implementing it in situations involving alleged, suspected or witnessed incidents of abuse or neglect.

Protection from Abuse and Prevention of Neglect

Retirement Homes Inspected and found with Non Compliance in Protection against Abuse & Neglect in FY 2023/24



The most common citations in this area over the last five years, in descending order, are:

1 Licensees not implementing their policy to promote zero tolerance.

The licensee shall ensure that there is a written policy to promote zero tolerance of abuse and neglect of residents **and shall ensure that the policy is complied with** *[Act s. 67. (4); Policy to promote zero tolerance]*

2 Licensees not reporting incidents of abuse or neglect to the RHRA.

A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which is it based to the Registrar (2) Abuse of a resident by anyone or neglect of a resident by the licensee or the staff of the retirement home of the resident if it results in harm or risk of harm to the resident *[Act s. 75. (1); Reporting certain matters to the Registrar. 75. (1), para. 2]*

3 Instances where the licensee did not act to protect residents from neglect.

Every licensee of a retirement home shall ensure that the licensee and the staff of the home do not neglect the residents *[Act s. 67. (2); Same, neglect]*

Abuse and neglect citations may also arise from inaction that results in resident harm, which was the third most common citation in this area. The case scenario below provides an example.

Case Scenario – Neglect

The RHRA has received reports from retirement homes, as well as complaints from residents, family members and staff, about situations of suspected neglect.

In this scenario, a retirement home reported an incident relating to a resident who was not accounted for during a census check[3]. Upon responsive inspection, it was determined that the resident, who had been feeling unwell at lunch on a Friday, had gone back to their suite after visiting with the wellness team. The resident remained in their suite all through Saturday and did not attend any meals. On the Sunday morning, the resident was found on the bathroom floor, severely dehydrated and requiring hospitalization. After the home investigated the incident, it was determined that staff did not follow their policy to conduct the lunchtime census check on the Saturday, which, if conducted, would have required a staff member to go to the resident's suite to assess their well-being.

What could this mean for residents?

In situations like the one described above, residents have experienced adverse outcomes including injury (ranging from mild to severe), hospitalization, death and psychological impacts.

Factors to consider meeting legislative requirements and protecting residents:

- **Zero Tolerance Policy**: Review the home's zero tolerance policy to confirm that it meets compliance and have a mechanism to ensure the policy is fully implemented when situations of alleged, suspected or witnessed incidents of abuse or neglect occur.
- **Analysis:** Conduct a prompt analysis of each incident of abuse or neglect to identify its causes and contributing factors. Doing so can help uncover why the issue happened, such as policies not being followed, and guide licensees and operators in implementing preventative measures to avoid future incidents.

3 A census check is a process that retirement homes use to account for residents on a daily basis.

Protection from Abuse and Prevention of Neglect

- **Staff Training:** Confirm that all staff have been trained on their role-specific duties, the home's zero tolerance policy and other relevant policies, such as behaviour management. Maintaining up-to-date training records can help ensure that training requirements, such as annual training, are consistently met and staff have the skills and guidance they need to support resident safety and well-being.
- **Resident Reassessment:** Reassessing residents whenever their care needs change (e.g., after a fall, returning from hospital with high-acuity, rehabilitation due to a stroke, etc.) and updating their Plans of Care to reflect these changes is a requirement. Doing so supports compliance and provides staff with the information and direction they need to provide care that considers a resident's current situation and care requirements.

Conclusion and Takeaways:

Over the past five years, abuse and neglect is the area that has been most commonly associated with negative impacts to resident safety and well-being. The case scenario highlights how it may be inaction that can lead to neglect. Licensees and operators are encouraged to use the insights and factors outlined in this section, such as conducting a prompt analysis of each incident, to determine causes and measures that can help prevent reoccurrence.

Some important questions for licensees to consider:

- Are your staff trained on the home's policy to promote zero tolerance of abuse and neglect of residents?
- In instances where abuse or neglect has occurred in your home, have you conducted an analysis of each incident? If so, have you engaged management and staff so that preventative measures and key learnings are shared?
- What insights or trends have you determined from conducting the annual evaluation of the home's zero tolerance policy?
- Have you created an environment within your home where staff feel comfortable reporting incidents of abuse or neglect?
- What types of proactive measures have you considered or implemented to reduce the occurrence of abuse or neglect?

Additional Support:

To support licensees and operators in understanding their obligations, the RHRA has published a **Guidance Document for Abuse and Neglect**. To complement the document, the RHRA has developed 4 situation-based learning modules on Physical and Sexual Abuse, Emotional and Verbal Abuse, Financial Abuse and Neglect. These modules can be found on **our website**.

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