



PRAESIDIUM

irwin siegel
agency
INSURANCE PROGRAMS & RISK MANAGEMENT

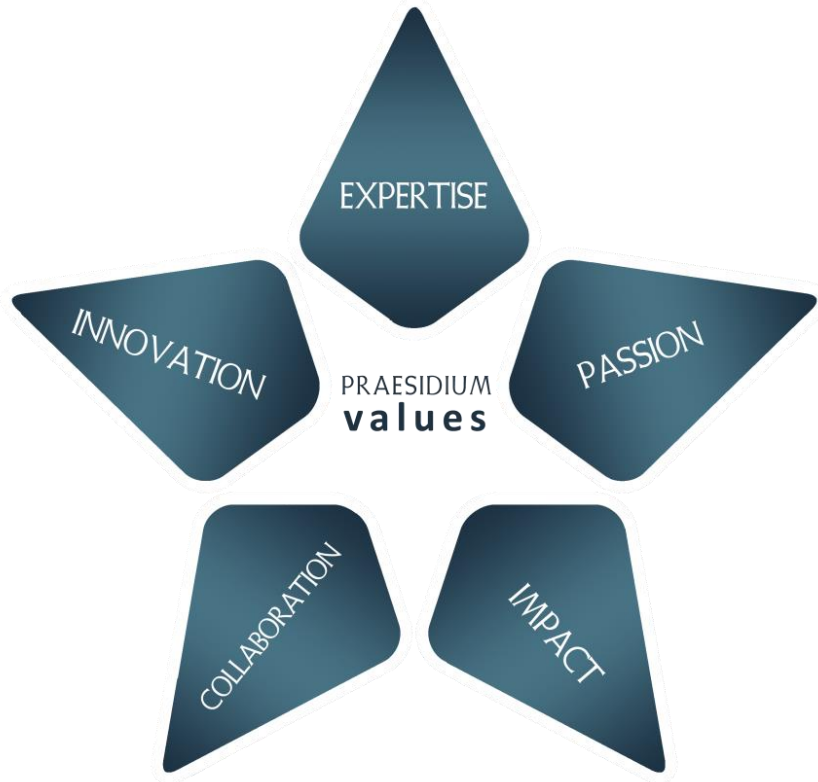
**Responding to Allegations:
What Will I Need to Have and
What Will I Need to Know?**



Agenda

- ✓ Who is Praesidium?
- ✓ Themes with Historical Allegations
- ✓ Steps in Responding
- ✓ Crisis Management
- ✓ Managing Internal Review
- ✓ Conducting a Root Cause Analysis

Praesidium



“To help you **protect those in your care** from abuse and to help **preserve trust** in your organization.”

Nearly 30 years of experience

More than **4,000 clients** across diverse industries

Completed thousands of **root cause analyses**

Developed proprietary **abuse risk management model**

Offer complete range of **risk management solutions**

Praesidium Safety Equation[®]

| | | | | |
|-----------------------------|---|---------------------------------|---|---------------------------|
| Policies | + | Screening & Selection | + | Training |
| Monitoring & Supervision | + | Internal Feedback Systems | + | Consumer Participation |
| Responding | + | Administrative Practices | = | A SAFE ENVIRONMENT |



Historical Allegations

Types of Historical Allegations

- ✔ Adult victim reports abuse by a past employee or program participant
- ✔ Adult victim reports abuse by a current employee
- ✔ Adult victim or third party reports multiple allegations

Historical Allegations

Factors that may delay or deter disclosure:

- ✓ Shame
- ✓ Victims blame themselves
- ✓ Unaware that what took place was abuse
- ✓ Fear of retaliation
- ✓ Fear they won't be believed

➤ Delayed disclosure does not diminish credibility

Themes in historical allegations:

- ✓ Power differentials
- ✓ Community grooming
- ✓ Well-esteemed individuals
- ✓ Trusted institutions
- ✓ Large numbers of victims
- ✓ Often multiple offenders

Why Respond to Historical Allegations?

- ✓ Identify possible victims
- ✓ Provide support services to victims
- ✓ Protect reputation
- ✓ Ensure no additional looming incidents
- ✓ Identify whether there are reporting obligations
- ✓ Easier to defend the known vs unknown

Responding to Historical Allegations

Goals for Responding to Historical Allegations



Determine:
Did the
incident occur?



Determine: How
to handle current
employees



Identify and
assist possible
victims



Use lessons
learned to
inform current
prevention

Challenges in Responding

- ✓ Unwillingness to dig into the past
- ✓ Perceived difficulty of investigation
- ✓ Reporting requirements at the time of the incident may differ from current laws

Steps to Take in Responding

Determine who should be notified



Determine the scope of investigation



Develop critical investigation questions



What can be done to reasonably answer questions?



Conduct investigation



Determine response



Provide resources

Tips to Avoid Murky Findings

- ✔ Ensure that your goals for the investigation are clear and pragmatic
- ✔ Consider hiring investigation professionals
- ✔ Consider credibility
- ✔ Rely on documentation heavily where possible to support interviews and memory

Documentation to Gather

- ✔ Consumer files, including discipline records and safety plans
- ✔ Employees' schedules, timecards, attendance
- ✔ Employee personnel files, including all screening materials and training records, policy and procedure acknowledgements
- ✔ Employee disciplinary records and corrective action plans
- ✔ Policies, handbooks
- ✔ Insurance certificates

A group of people are sitting in a circle, holding hands, suggesting a community or support group. The image is overlaid with a semi-transparent blue filter. The text is centered over the image.

Crisis Management – Responding to Recent Allegations

Challenges in Responding

- ✓ Denial anything happened
- ✓ Fear of media attention
- ✓ Fear of perception of poorly run programs
- ✓ Victim not as “good” and offender not as “bad”
- ✓ “Never had any prior issues”
- ✓ Defer response to the authorities

Five Core Steps to Crisis Response

the first
few hours

1

Ensure Safety

2

Follow Reporting Requirements

3

Gather Information

4

Communicate

5

Provide Resources

the next
2 weeks

Assembling a Crisis Response Team

- ✓ Leadership
- ✓ Human Resources
- ✓ Legal
- ✓ Risk Management
- ✓ Communications
- ✓ Representative from Board/Governing body

Step One: Ensure Safety

- ✔ Ensure victim(s) are safe
- ✔ Immediately remove alleged offender(s) access to consumers
- ✔ Notify consumer's parents/guardians/caregivers

Step Two: Reporting Requirements

- ✓ Follow all local Mandated Reporting laws
 - ✓ Licensing agency or accrediting bodies
 - ✓ Insurance
 - ✓ Governing Body
- Document that all applicable notifications were made, recording important names and case numbers

Step Three: Gather Information

- ✔ Determine what type of internal review will be done and who will be involved in gathering information
- ✔ Determine the key questions to ask to learn:
 - Who
 - What
 - Where
 - When
 - (How)

Step Four: Communicate

An effective communications plan:

- ✓ Reinforces core values
- ✓ Shows commitment to consumer protection
- ✓ Demonstrates that you take allegations seriously

Organizational Communications Plan



1) Assign a spokesperson



2) Notify all affected parties



3) Be proactive



4) Release updates



5) Demonstrate transparency,
compassion, and confidence



Transparency

- ✔ Communicate early & often
- ✔ Provide the details you can while still ensuring privacy of those involved – develops trust & accountability
- ✔ Answer questions honestly

»» **People forgive mistakes but are less likely to forgive a cover-up.**



Be compassionate

- ✓ Apologize
- ✓ Listen to concerns
- ✓ Acknowledge all parties
- ✓ Reassure everyone



Be confident

- ✓ Present existing abuse prevention measures
- ✓ Highlight how the organization serves the community
- ✓ Remind what your organization does to protect others

Communicating Internally

Assess immediate need for:

- ✓ Modifications to monitoring and supervision procedures for consumers, employees, and/or facilities
- ✓ Changes to staffing schedules
- ✓ On-the-spot training

Step Five: Provide Resources

- ✓ Counseling
- ✓ Community resources
- ✓ Additional training
- ✓ Legal services



Internal Review – Root Cause Analysis

Addressing “How”

**Define the
Problem**

Collect Data

**Perform the
Analysis**

**Identify
Corrective
Action**

Guidelines for Documentation

- ✔ Document all incidents and corrective action
- ✔ Documentation should include all relevant background information.
- ✔ Document any correspondence with members, parents, or the authorities.
- ✔ Documentation must remain objective.

Sample Questions to Ask

- ✔ Were there opportunities for the events as described?
- ✔ What pieces of information are verifiable and how?
- ✔ Are there other potential witnesses – employees or consumers – to the incident?
- ✔ Have others witnessed interactions between the alleged victim and offender that were concerning or inappropriate?

Sample Questions to Ask

- ✔ How does the alleged offender describe the events?
- ✔ Is their explanation convincing and credible?
- ✔ What pieces of information are verifiable and how?
- ✔ Is there any history of policy violations, inappropriate boundaries with consumers, or unprofessional behavior?
- ✔ Are there any previously unreported concerns or incidents?

Sample Questions to Ask

- ✔ Is there history of inappropriate behavior or previous incidents regarding the consumers involved?
- ✔ Were staff following policies and procedures?
- ✔ What activity/location/program is the incident involving?
- ✔ What monitoring & supervision practices were in place?

Sample Questions to Ask

- ✔ Are there any barriers to reporting?
- ✔ How have employees, supervisors, and leadership responded to prior complaints?
- ✔ What steps in corrective action or progressive discipline were engaged in response to prior concerns/incidents?
- ✔ Were there any barriers to providing corrective action?

Sample Questions to Ask

- ✔ Were all screening and selection procedures followed?
- ✔ Were any red flags noted in the screening process, and if so, how were they factored into the final decision to hire?

KEEP IN TOUCH

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