

# Guidelines

Cases involving sexual abuse of adults with intellectual disabilities



Illustration photo: Sidsel Andersen



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Guidelines

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	HANDBOOK	

# 1 POSTER

The content consists of three parts:

1. "Poster"
2. "Guidelines for cases involving sexual abuse of adults with intellectual disabilities"
3. "Handbook to "Guidelines for cases involving sexual abuse of adults with intellectual disabilities"

The poster should be at the front of the binder containing both the guidelines and the handbook, but it should also be posted on the wall of the office/break room/administration etc.

## 1.



## 2.



## 3.



# 1 POSTER

## 2

## INTRODUCTION

## 2

## INTRODUCTION

## 2.1 INFORMATION ABOUT THE GUIDELINES

Any suspicion of sexual abuse is serious and requires immediate action. That is why our organization has decided to implement these guidelines. They tell you what to do if you suspect or come across sexual abuse. These guidelines are not intended for training purposes.

All staff should also be trained in how to prevent and handle sexual abuse. Go to [vernmotovergrep.no](http://vernmotovergrep.no) for more information.

A handbook to these guidelines has also been prepared. This handbook contains more detailed information, and has the same structure and layout as these guidelines.

## 2.2 ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITY

These guidelines have been developed to help protect adults with diagnosed or presumed intellectual and developmental disability.

## 2.3 SEXUAL ABUSE

The term sexual abuse covers physical and/or psychological violations of sexual integrity. Some cases clearly constitute abuse; other cases involve an element of doubt. These guidelines should be implemented even in cases where there is doubt.

## 2.4 OBJECTIVE

These guidelines are to ensure that any possible victim is cared for and followed up in a good way. When you, as a member of staff, learn of a possible case, you have the responsibility to report it. These guidelines are also to ensure that members of staff who suspect or hear of possible abuse, get help to deal with it properly.

## 2.5 SHARING INFORMATION

It is important to restrict the number of people gaining information about the abuse. At the same time, it is important to release information to prevent abuse in other areas or of more people. It is the supervisor's responsibility to assess which information to provide to whom, in cooperation with the police, where necessary. Employees have a duty of confidentiality about any information related to the case to which they become privileged.

## 2.6 FAMILIARITY WITH GUIDELINES

All employees *must* be aware of where the binder containing the guidelines is located, and they must also be familiar with its contents.

The guidelines poster is to hang in offices, staff rooms, administration offices, etc.

### 3 CONTACT INFORMATION

#### 3.1 RESPONSIBLE SUPERVISOR

The supervisor is responsible for making sure all members of staff are familiar with the guidelines, and for implementing proper procedure on suspicion of abuse.

The supervisor must ensure that all contact information is up to date.

Name	Signature	Date

#### 3.2 RELEVANT CONTACT INFORMATION WITHIN THE ORGANIZATION/MUNICIPALITY

Name	Role/position	Telephone/contact information

Chief executive and other individuals with relevant responsibilities within the organization/municipality

#### 3.3 EXTERNAL RESOURCES

Name	Role/position in the organization	Telephone/contact information
Police emergencies:		
Police:		
Medical emergencies:		
Emergency room:		
Children’s Houses (Statens Barnehus):		
Rape crisis unit:		
Women's crisis shelter:		
Support Center against Incest:		
Habilitation Services in the Hospital Trust:		

## 4

## GUIDELINES IN ACUTE SITUATIONS

## 4

## 4.1 WHAT IS AN “ACUTE SITUATION”?

We have opted to define two types of acute situations: “Acute situation close in time” and “Acute situation with a risk of reoccurrence”.

A typical “acute situation close in time” is if you witness sexual abuse as it happens. Another example is when a person tells you, or there are physical indications, that he or she has just been subjected to sexual abuse.

An “acute situation with a risk of reoccurrence” is where you begin to suspect, or receive reports of, abuse that may have happened some time ago, but where the victim is about to put themselves in a situation where there is new risk of abuse. One example of this could be that you learn of an incident that happened last summer, at the family’s holiday home, where the suspected offender is one of the neighbours. The victim is going back to the same place in two days. This does not constitute an acute situation close in time to the actual abuse, but the risk of the person being abused again may be acute. Steps must be taken to prevent further abuse.

## 4.2 DUTY TO REPORT

All members of staff who receive information about sexual abuse have a duty to report this to the supervisor in charge at once.

## 4.3 HOW TO PROCEED

**Acute situation close in time**

- You must notify your supervisor as soon as possible.
  - The supervisor must notify the police. If it is not possible or advisable to contact your immediate supervisor at once, contact the next in line or the police directly.
- In cooperation with the police, bring the victim to a rape crisis unit/doctor for medical examination.
- While waiting for police to arrive:
  - Make sure the victim does not wash and that other forensic evidence does not degrade.
  - Secure the crime scene until the police arrive; this includes locking doors and windows to a possible crime scene.
  - Make sure clothes are not washed. If there may be DNA evidence (saliva, semen, hair, etc.), put the clothes into paper bags.
  - Lock away documents and items that may be relevant.
- You must write down everything that has happened.
  - Note the date, where it happened, who was present, what was said (verbatim), precise descriptions of observations, name of the person writing the memo.

- Tell the victim that you want to help.
  - Do not promise not to tell anyone. Inform the victim that you have to tell someone what happened.
- Do not confront the alleged offender. This is so that this person cannot destroy evidence or manipulate witnesses.
- Leave the police work to the police.
- The organization must report the case to the police.
- Be aware of your right to have a permanent contact with the police.

How you proceed from here will depend on who the suspected offender is, and other circumstances. This is described in more detail below.

#### **Acute situations with a risk of reoccurrence**

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First, you must minimize the risk of reoccurrence. This could entail cancelling the trip to the location/venue where there is a suspected risk of further sexual abuse. Or it could entail cancelling a trip where there is a risk of the victim meeting the suspected offender again. Furthermore, it may entail that you give the victim a more attractive offer than the scheduled activity. The most important thing is to prevent a situation where there is a risk that the person can be subjected to further sexual abuse.

Then, you must handle the abuse itself, either as an acute situation in line with the description above, or as a suspicion, as described later on, in Chapter 5.

#### **4.4 NOTIFYING NEXT OF KIN**

Talk to the victim about if or how he or she wants next of kin to be notified. In most cases it would be natural to notify next of kin. In cases where the suspected offender is someone in the victim's family, work with the police on notifying next of kin.

#### **4.5 CARING FOR THE VICTIM**

The supervisor is responsible for making sure the victim receives proper care and follow-up, regardless of whether the matter is reported to the police.

Inform those who need to know in order to ensure that the person receives proper care.

The supervisor must, as soon as possible, contact the prosecuting authority to discuss whether a restraining order should be issued while the case is under investigation.

The victim/next of kin also have the right to be represented by counsel.

If the person does not have a legal guardian, or if there is a conflict of interests, a temporary substitute guardian may be appointed.

If the suspect also has an intellectual disability, the organization must also consider how to care for this person and provide follow up.

#### 4.6 DOCUMENTATION

Everything that happens, what has been done and said, must be documented. Try hard to be objective in this; do not moralize.

As a member of staff, it is not your job to investigate; your responsibility is to gather relevant information until the police arrive to take over.

It is imperative that a report of suspected (or actual) abuse is written immediately after the information came to light. This documentation must then be kept in a safe place, because it may be relevant as evidence in a hearing later on.

This documentation must accurately reflect what has been said and done by the persons involved: the victim, suspected offender and possible witnesses.

The report must be based on facts. If parts of it include your assessment or opinion, this must be clearly stated. If it includes information from other people, the report must clearly specify who these people are.

#### 4.7 THE SUSPECTED OFFENDER

- As the norm, suspected offenders must not be confronted.
- However, if the suspected offender is aware of the suspicions, the process must be handled by another unit. The person following up on the suspected offender must not be the person looking after the victim of the abuse. If the suspect is a member of staff, the person following up on the suspect must be from another unit.

##### **If the suspected offender is an employee, the following must be implemented:**

- In cooperation with the police, the employer decides whether the suspected offender is to be suspended.
- The suspected offender must be informed of the organization's guidelines (even though the suspected offender is expected to be familiar with the organization's guidelines, he or she shall be informed of them again).
- He or she shall be informed of whether the police are involved in the case.
- If the suspected offender would like to give their version of events, refer them to the police.
- However, if the suspected offender does provide information about the incident in the meeting, he or she must be informed that the organization is not bound by a duty of confidentiality concerning anything revealed in the conversation, and that a written record of the meeting will be handed in to the police.



- The written record must be objective, and free of personal interpretations.
- The suspected offender shall be given the opportunity to read through the written record, and sign it.
- The record of the interview is to be given to the police.
- If the organization has a sexual abuse team/resource unit, the supervisor is to handle the case in cooperation with this unit.

**If the suspected offender is not a member of staff and wishes to give a statement, the following must be implemented:**

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- If the suspected offender is a third party with no intellectual disability, refer them to the police.
- If the person has an intellectual disability, the police shall conduct the first interview where possible.
- If the person has an intellectual disability and volunteers information to a member of staff, the supervisor and a colleague shall conduct the first interview with the suspected offender.
- Inform them that the police are involved, and that the organization is not bound by a duty of confidentiality concerning anything disclosed in the conversation.
- It is not your job to investigate, but to concentrate on what the suspected offender wants to tell you.
- Write down the conversation. Be objective and avoid personal interpretations. Write down both questions and answers. Do not ask leading questions. For example: Do not ask who/what/where, but ask them to tell you about it.
- The suspected offender is to have the opportunity to read through the written record or have it/ read aloud to them, and then sign it.
- The written record of the interview is to be given to the police.
- If the organization has a sexual abuse team/resource unit, the supervisor is to handle the case in collaboration with this unit.

## 5

## GUIDELINES FOR CASES OF SUSPECTED SEXUAL ABUSE

## 5

### 5.1 WHAT CONSTITUTES "SUSPICION"?

Suspicion can be based on your noticing physical signs or changes in a person's behaviour that may indicate that he or she has been subjected to sexual abuse. Another example is the observation of a member of staff or others violating personal boundaries or exhibiting unusual sexualized behaviour. It could also be that a person tells you or drops hints that sexual abuse may have taken place.

### 5.2 DUTY TO REPORT

On suspicion of sexual abuse, all members of staff have a duty to report to their supervisor at once. If the suspect is the supervisor, report this to their next in line.

### 5.3 GENERAL PROCEDURE

On suspicion of sexual abuse, all relevant observations must be recorded as they occur.

- Write down when you first got suspicious and why (chain of events)
  - date
  - setting
  - who was present at the time you made the observation, precise description of observation
  - name of the person writing the memo
- The suspected offender must not be confronted, due to the risk of him or her destroying evidence.
- Do not carry the suspicion alone. Contact your immediate supervisor or, if necessary (e.g. if your suspicions are not taken seriously), contact the supervisor next in line or the police.
- If your suspicions do not involve parents/next of kin, the supervisor will normally make sure they are informed of the suspicion in line with the individual's wishes and needs, preferably in cooperation with the police.
- Consult with the police, community psychologist, resource groups, habilitation services or other relevant organizations and agencies.
- If the victim is volunteering information, encourage him or her to tell you what happened, but do not pressure him or her.
- Write down what is being said, word for word. Ask when this last happened. Ask open-ended questions! Write down details and statements from the victim, as precisely as you possibly can.
- Tell him or her that you want to help.

- Do not promise not to tell anyone.
- Continue to take notes as you observe or talk to the victim; write down his or her frame of mind (e.g. crying, anger) and what he or she says.

## 5.4

## THE SUSPECTED OFFENDER

- As the norm, suspected offenders must not be confronted.
- However, if the suspected offender is aware of the suspicions, the process must be handled by another unit. The person following up on the suspected offender, if applicable, must not be the same person following up on the victim of the abuse. The person following up on the suspected offender must be from another unit than the one where the suspected offender works.

**If the suspected offender is an employee, the following must be implemented:**

- In cooperation with the police, the employer considers whether the suspected offender is to be put on suspension.
- The suspected offender must be informed of the organization's guidelines (even though the suspected offender is expected to be familiar with the organization's guidelines, he or she shall be informed of them again).
- He or she shall be informed that the police are involved.
- If the suspected offender would like to give his or her version of events, he or she shall be referred to the police.
- However, if the suspected offender does provide information about the incident in the meeting, he or she must be informed that the organization is not bound by a duty of confidentiality concerning anything revealed in the conversation, and that the written record of the meeting will be turned over to the police.
- The written record must be objective, and free of personal interpretations.
- The suspected offender shall be given the opportunity to read through the written record, and sign it.
- The written record of the meeting shall be turned over to the police.
- If the organization has a sexual abuse team/resource unit, the supervisor must handle the case in collaboration with this unit.

**If the suspected offender is not a member of staff and wishes to give a statement, the following must be implemented:**

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- If the suspected offender is a third party with no intellectual disability, the person is to be referred to the police.
- If the person has an intellectual disability, the police shall conduct the first interview, if possible.
- If the person has an intellectual disability and volunteers information to a member of staff, the supervisor and a colleague shall conduct the first interview with the suspected offender.
- He or she must be informed that the police are involved, and that the organization is not bound by a duty of confidentiality concerning anything disclosed in the conversation.
- Your job is not to investigate, but to focus on what the suspected offender wants to tell you.
- A record shall be written on the basis of what was said in this interview. The record must be objective and free of personal interpretations. Write down both questions and answers. Do not ask leading questions.
- The suspected offender shall be given the opportunity to read through the report, or have it read aloud to him/her, and then sign it.
- The report of the meeting shall be handed in to the police.
- If the organization has a sexual abuse team/resource unit, the supervisor must handle the case in collaboration with this unit.

## 5.5 NOTIFYING NEXT OF KIN

Talk to the person you suspect is a victim of sexual abuse about how and whether he or she wants next of kin to be notified. In most cases it would be natural to notify next of kin. In cases where the suspected offender is someone in the victim's family, work with the police on notifying next of kin. See the handbook for more detailed information about the competence to consent.

## 5.6 CARING FOR THE VICTIM

The supervisor is responsible for making sure the victim receives proper care and follow-up, regardless of whether the matter is reported to the police.

To do this, inform those who need to know.

The supervisor must, as soon as possible, contact the prosecuting authority to discuss whether a restraining order should be issued while the case is under investigation.

The victim/next of kin have the right to be represented by counsel.

If the suspected offender has an intellectual disability, the organization has to consider care and follow-up for this person.

## 5.7 DOUBTS ABOUT HOW TO PROCEED

If there is any doubt as to how to proceed with a suspicion of sexual abuse, the organization's chief executive /supervisor in charge may, after consulting senior management, contact the police/the Children's House for an assessment. You can discuss the case with them without providing names of the suspected victim or the other persons involved.

If the person expected to handle the case has a close relationship with the suspected offender, another supervisor must assume responsibility for the procedure. All members of staff must always assess their own neutrality.

## 5.8 REMEMBER

On suspicion of abuse, you have a personal responsibility for reporting your suspicions to someone who will follow up on the matter in accordance with correct procedure.

If the person to whom you first report your suspicions does not take you seriously, you are responsible for taking the matter higher to the next level of management or directly to the police.

If the supervisor is not on duty, or you suspect this person to be involved in the case, you must take the matter to the next level of management.

The organization is responsible for taking care of all those involved, both members of staff and others.

Different individuals should be made responsible for following up on the different parties. Do not overstep your responsibilities.

Members of staff have a duty of confidentiality as well as a duty to report. All steps taken must be documented in writing throughout the process.

## 6

## FOLLOW-UP

## 6

## FOLLOW-UP

## 6.1

## WHERE TO TURN

Consider where to turn for help and who to work with.

**You may need:**

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- Habilitation Services in the Hospital Trust
- The police
- The Children's House in the region/county
- Rape crisis unit
- Community psychologist/district medical officer
- It could also be relevant to involve the victim's regular doctor (GP), if necessary consulting with the victim and/or the victim's next of kin and guardian.
- Mental health care services
- Sexual abuse teams in the county or municipality
- Women's crisis shelter
- Public health service nurse
- Other collaborative partners with relevant expertise

Given that organizational structures and available expertise vary in different parts of the country, it is important that the information in Part 3, "Contact information" is up to date and relevant for your organization.

## 6.2

## STRATEGIC DISCUSSION OR STRATEGY MEETING

Appoint a coordinator for the case.

Assess the risk of further abuse, and make a temporary plan to protect the victim/possible victim.

Work out a follow-up plan.

## 6.3

## INTERNAL REVIEW

Assess how well you applied these guidelines.

#### 6.4 CONTINUED PROTECTION

Continually assess the risk of further abuse, and how to give the victim, or suspected victim, of abuse the best possible care.

#### 6.5 CLOSING THE CASE, DISSEMINATING KNOWLEDGE AND RECOMMENDATIONS

Prepare a final report.

Assess the strengths and weaknesses of how you handled the case.

Determine whether the experience you have drawn from this process will have consequences for how you apply these guidelines or how you train members of staff in applying the guidelines or if you need to make written amendments to these guidelines.

Decide whether to report the case to regulatory bodies.



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