

Chapter 5

EMPLOYEES INVOLVED IN REPORTS OF ABUSE, NEGLECT OR EXPLOITATION

5-1. Purpose. This chapter describes the processes to follow when department employees identified in paragraph 5-2 of this operating procedure (including other personnel services [OPS] positions) and community-based providers, contractors and subcontractors working with children or vulnerable adults (or the family or household members of any of these individuals) are the subject of a report of abuse, neglect or exploitation. The procedure is also designed to:

- a. Preserve the integrity of the investigative process; and,
- b. Afford employees, to the extent possible, the same confidentiality provided to any other citizen of Florida as provided for by Chapters 39 and 415, Florida Statutes (F.S.).

5-2. Scope. This chapter applies to employees of the Office of Child Welfare (CW), Adult Protective Services (APS), Substance Abuse and Mental Health (SAMH) and community-based providers, contractors and subcontractors working with children or vulnerable adults.

5-3. Access to Restricted and Confidential Information.

- a. Access to reports of abuse, neglect or exploitation in the Florida Safe Families Network (FSFN) or any other supporting or ancillary computer programs or records containing the identities of those employees listed in paragraph 5-2 above (or their family or household members) shall be limited to only individuals with a legitimate business need. A legitimate business need to access records involving employees and their family or household members is established for the child or adult protective investigator conducting the investigation, supervisors responsible for approving the investigator's work, and managers responsible for placing affected staff on administrative leave or assigning the employee to administrative, non-client contact duties.

- b. All department employees and community-based providers, contractors and subcontractors working with children or vulnerable adults are statutorily bound to abide by the laws of confidentiality in ss. [39.202](#) and [415.107](#), F.S. All employees:

- (1) Must protect the individual's right to privacy by safeguarding the confidentiality of the information received or accessed when acting in a professional capacity, and shall not share information received about one employee with any other person not having a legitimate business need;

- (2) Are not authorized to access the Florida Safe Families Network (FSFN) or any other supporting or ancillary computer programs or records for personal reasons, including reviewing reports in which the individual or a family or household member of the employee is a subject of the report; and,

- (3) Shall immediately exit any report as soon as the employee becomes aware that the report involves a family or household member, or a co-worker as a subject of the report, or the individual themselves. Any employee inadvertently obtaining access to unrestricted, but confidential information shall immediately notify their supervisor of the situation.

- c. When a report involves alleged abuse, neglect or exploitation by a department employee, community-based provider, contractor or subcontractor (or a family or household member of any of these individuals is a subject of a report), the caller shall immediately inform the Hotline counselor that the report involves an employee with access to FSFN and the employee's access to the report needs to be restricted.

d. All Hotline staff shall make reports involving members of their own families to a Hotline supervisor.

e. At any point an individual has reason to believe that the Hotline did not restrict access to a report involving a department employee, community-based provider, contractor or subcontractor or a family of household member of any of these individuals at the time of the report intake, the individual shall immediately report these concerns to the OCW or APS program office at Headquarters.

5-4. Report Processing and Required Notifications.

a. The Hotline shall accept reports that meet statutory criteria for maltreatment while the employee was acting in an official capacity (i.e., in the professional performance of their work duties) or while the employee is off-duty (i.e., in the role of a caregiver in their own home or as an "Other Person Responsible for a Child's Welfare") as defined in Florida Statute.

b. Hotline supervisors or their designee shall notify the appropriate manager or designee upon the acceptance of a report:

(1) For OCW and APS department employees, community-based providers, contractors and subcontractors working with children and vulnerable adults, the employee's Regional Managing Director or designee shall be notified.

(2) For SAMH department employees, community-based providers, contractors and subcontractors working in substance abuse or mental health treatment facilities, the Assistant Secretary for Substance Abuse and Mental Health or designee, the Director or designee of State Mental Health Treatment Facilities, and the applicable Hospital Administrator shall be notified.

c. The Hotline supervisor shall also send an email notification to the following individuals:

(1) Hotline Director;

(2) Hotline Deputy Director;

(3) Circuit or Regional Program Administrator of initial county assignment;

(4) Circuit or Regional Program Administrator of reassignment county (if different from initial county assignment);

(5) Assistant Secretary for Substance Abuse and Mental Health (for reports involving personnel at Substance Abuse or Mental Health treatment facilities); and,

(6) APS Statewide Program Director.

d. The email shall contain the following information:

(1) Intake number;

(2) Name of person who reassigned the report (if applicable);

(3) County of reassignment (if applicable);

(4) Individual who received reassigned report (if applicable);

(5) Date and time of reassignment; and,

(6) Reason for special handling.

5-5. Management Responsibilities.

a. The appropriate Circuit, Regional or Headquarters manager shall review the report immediately upon receipt.

b. In all cases where the affected employee is the alleged perpetrator of the maltreatment, the employee must be removed from customer contact while the investigation is being conducted and management systems must designate the report as a restricted case or remove the security clearance that allows the individual access into FSFN by close of business the next working day. Legal counsel, human resources and the Office of Inspector General shall be involved as appropriate.

5-6. Investigative Unit/Circuit and Regional Responsibilities.

a. Each Regional Managing Director or designee shall be readily available to receive “special handling” reports or provide a chain of command available to Hotline staff when not available to receive reports.

b. To maintain confidentiality, provide an objective assessment, and avoid the appearance of impropriety, the Circuit or Regional Program Administrator or Program Manager shall determine if the report needs to be reassigned to a different region or county.

c. If during the course of an investigation, it is learned that an employee meets the involvement criteria set forth in this chapter but it was not known at the on-set, the circuit shall implement the procedures of this chapter immediately.

d. If during the course of the investigation, the employee’s role in the report changes, the appropriate circuit, regional or headquarters office supervisory chain of command shall be so informed.

e. Investigative activities shall be expedited to ensure a timely but thorough investigation.

f. The decision regarding when or if an employee may return to assigned duties shall be made at the discretion of the appropriate regional or headquarters office manager or their designee, or Hospital Administrator or their designee, with input from human resources, legal counsel and the assigned protective investigator and supervisor, as appropriate.

g. Region or headquarters office managers shall periodically request management systems to audit special handling cases and report any inappropriate access of the report prior to and after report closure.

