

## **Care of disabled man receiving individualised funding (13HDC00854, 15 June 2015)**

*Disability service provider ~ Support worker ~ Individualised funding ~ Informal arrangement ~ Care planning ~ Record keeping ~ Quality monitoring ~ NZS 8158:2003 standards ~ Right 4(1)*

A woman complained about the care provided to her 20-year-old son, who had complex needs and required one-to-one care. Since 2003, the woman had chosen her son's support workers and had a longstanding professional relationship with one support worker and his family members who became the young man's support workers. Care was usually provided in the support worker's family home.

In 2011, the young man's needs assessment service coordinator (NASC) referred him to an individualised funding (IF) host provider. The mother became her son's IF agent. The IF host provider's role was to help the mother to understand IF, and how to organise, set up and manage the young man's support allocations and administer payments for support services, and to help the mother to manage her responsibilities. The IF host provider was required to carry out quality monitoring at six-monthly intervals.

The mother continued to use the support worker's family as the young man's main support workers, and privately engaged an agency to help manage the support package. There was no written contract between the agency and the mother.

In 2012, the main support worker went on leave. The support worker's son (the second support worker) became one of the young man's support workers at this time. He was an independent contractor of the agency and was also the support worker for another client. He gained his experience as a support worker for the man when assisting his father to care for the young man for approximately one year several years prior. Prior to working with the young man in 2012, the only training provided to him by the agency was a first aid course.

On one particular day, the second support worker was rostered to care for the young man and another client on the same day. However, the agency understood that another family member of the main support worker would be looking after the young man, and that the support worker would be looking after the other client only.

The second support worker proceeded to care for both clients at the same time, as well as his own young child. In the evening, he left both clients unsupervised and locked in his home while he went to collect food. A fire broke out and the young man was unable to get out of the house and, sadly, died in the fire.

It was held that the second support worker did not provide services with reasonable care and skill and breached Right 4(1) by caring for three vulnerable people at one time when he knew the young man required one-to-one care, and by leaving the young man unsupervised and locked in his home with another client, despite knowing that the young man must always be supervised.

The agency failed to provide services consistent with certain NZS 8158:2003 standards and breached Right 4(1) of the Code by failing to adequately assess or monitor the quality of care being provided by the second support worker; failing to provide training or supervision to the second support worker in caring for clients with the young man's needs; and failing to have a formal written agreement in place with

the mother which resulted in uncertainty about the roles and responsibilities of those managing the young man's support. In addition, the process for rostering support workers created an environment where errors could occur and the agency did not conduct the necessary checks to ensure that the young man would be receiving one-to-one care by a suitably qualified support worker when it realised that it had rostered one support worker to work with two clients on the same day. The agency's care planning and record-keeping was suboptimal.

Adverse comment is made about the IF host provider's quality monitoring. The NASC did not breach the Code.

The second support worker and the agency were referred to the Director of Proceedings for the purpose of deciding whether any proceedings should be taken. The Director did not institute proceedings against the agency. The matter was resolved by way of a negotiated settlement. The Director filed proceedings by consent against the support worker in the Human Rights Review Tribunal. The Tribunal issued a declaration that the support worker breached Right 4(1) by failing to provide services with reasonable care and skill.