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## Disability Services Provider

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### Report on Opinion - Case 97HDC6545

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**Complaint**

The Commissioner received a complaint about services provided to the complainant's daughter, the consumer, at a facility run by the disability services provider. The complaint is as follows:

- *The complainant wants to know what is the ratio of staff to residents numbers in the provider organisation's home at [a particular address where the consumer lives.] The complainant visited her daughter at the home one day in mid-May 1997. There was only one staff member rostered who was responsible for three young adults with physical and intellectual disability. The complainant says this is not an isolated incident and feels the lack of staff on duty puts both staff and residents at risk.*

**Investigation**

The Commissioner received the complaint on 26 June 1997 and an investigation was undertaken. Information was obtained from the following:

The Complainant/Consumer's mother  
General Manager, Disability Services Provider  
Ministry of Health  
Health Funding Authority

**Code of  
Health and  
Disability  
Services  
Consumers'  
Rights**

The following Right in the Code of Health and Disability Services Consumers' Rights is relevant to this complaint:

*RIGHT 4  
Right to Services of an Appropriate Standard*

- 2) *Every consumer has the right to have services provided that comply with legal, professional, ethical, and other relevant standards.*

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### Report on Opinion - Case 97HDC6545, continued

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**Opinion:  
Breach** In my opinion the disability services provider breached Right 4(2) of the Code of Rights as follows.

The Ministry of Health publishes a booklet headed "The Registration Process for Homes for People with Disabilities" which sets out guidelines for disability service providers who operate premises registered under the Disabled Persons Welfare Community Act 1975. Standard 4 states: "*Each home has appropriately trained staff available to support residents as required.*" Performance measures include that "*An appropriate number of staff should be employed.*" The home where the complainant's daughter lives is a registered home.

The provider advised me that the home where the consumer lives usually had two rostered staff to provide care for five residents. In May 1997, on the day the complainant referred to, there were three residents at the home and two staff members rostered on duty for the whole weekend. One of the staff members called in sick at late notice and "*the manager, in spite of strenuous efforts, was unable to find a replacement staff member.*" The single remaining staff member indicated she was agreeable to working alone for the weekend with assistance available from the Duty Manager at any time.

I requested evidence of the provider's efforts to find replacement staff for the weekend in question in mid-May 1997. No evidence has been provided. In the absence of such evidence I am unable to conclude that the provider did in fact make strenuous efforts to find replacement staff that weekend. Further, there appears to have been no mechanism in place to provide back-up staff for events such as this. Therefore in my opinion the provider was unable to ensure that the home where the consumer lived had an appropriate number of staff to meet the needs of residents over that weekend.

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#### Actions

I recommended that the provider review its policies for providing back-up staff at short notice and review its documentation procedures for recording actions taken in circumstances such as the events which led to this complaint.

The provider has advised the Commissioner that they have taken the following actions in response to the complaint:

- Reviewed the method for recording actions taken by on-call managers during weekends.
- Reviewed the staff roster of the home where the consumer lives to ensure an improved level of consistency of care across a seven-day period.
- Appointed a Human Resources Advisor to assist with recruitment of both permanent and relief staff.
- Appointed a Regional Manager responsible for training and development to ensure staff are receiving adequate training in a timely manner.
- Two on-call managers share the on-call responsibilities during weekends, giving staff two managers they can contact and two emergency cellphone numbers on which the managers can be reached.
- A manager is now working every weekend in the area concerned, who visits homes and is readily available should they be required to go out to a particular home to assist a resident, to support a staff member, to respond to an emergency or to cover a shift until relief staff can attend.
- The management team holds a brief planning meeting on Friday afternoons to ensure that where known, appropriate arrangements have been made for the weekend.
- There are now clear expectations within the management team about responsibilities of managers in planning for coverage for the homes they manage over the weekends and the expectations of the on-call manager while on duty.

A copy of this opinion will be forwarded to the Ministry of Health and the Health Funding Authority and the file has been closed.

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