



Resident's rights breached by residential care provider and three caregivers 20HDC01116

In a report released today, Aged Care Commissioner Carolyn Cooper has found a man's rights under the Code of Health and Disability Services Consumers' Rights (the Code) were breached by Iona Home and Hospital and three caregivers in 2019.

The man had moved into the dementia unit, as his wife was no longer able to care for him at home. In addition to his progressing dementia, the man had several other medical conditions. His care plan indicated that he needed significant assistance with activities of daily living, such as mobility and personal care.

Incidents of aggression by the man were reported by two caregivers and his family were informed. The family expressed concerns that staff might be contributing to the man's behaviour and installed a hidden camera in his room.

The video footage from 2019 showed caregivers acting abusively, including shouting and failing to provide adequate assistance. The family raised their complaint with Presbyterian Support Otago (PSO), who operated the facility. They investigated and confirmed the behaviour was not in line with the organisation's standards.

Ms Cooper found two caregivers breached the Code for failing to treat the man with respect | mana and/or provide services of an appropriate standard | tautikanga.

"The conduct displayed by the caregivers towards the resident as seen in the video footage is never acceptable," said Ms Cooper. Of the second caregiver she said, "under no circumstances is it acceptable to act as she did."

The third caregiver was found in breach of the Code for failing to intervene or report the abusive behaviour. "It's disappointing that she did not speak up or intervene during the inappropriate behaviour towards the man," Ms Cooper said.

Ms Cooper also found PSO breached the Code for failing to ensure the man received services that complied with legal, professional and ethical standards.

The report highlighted issues with workplace culture at Iona Home and Hospital, which contributed to the breaches of the Code, including staff not feeling empowered to report inappropriate behaviour and a lack of proper oversight and support.

"In my view, the widespread and repeated nature of these actions by caregivers at PSO reflects a pattern of poor care and a failure to comply with policy and legal standards, for which ultimately PSO is responsible," said Ms Cooper. "PSO had a

responsibility to prevent issues of abuse through appropriate selection of staff, training, rostering, oversight, and performance monitoring.”

In addition, the report highlighted issues with care planning, resourcing limitations and delay in investigating the incidents relating to behaviour of the man.

Since these events, PSO has instituted changes to improve staff training, culture and care practices. Ms Cooper outlined further recommendations in her report.

9 December 2024

Editor’s notes

Please only use the photo provided with this media release. For any questions about the photo, please contact the communications team.

The full report of this case can be viewed on HDC’s website - see HDC’s '[Latest Decisions](#)'.

Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name group providers and public hospitals found in breach of the Code unless it would not be in the public interest or would unfairly compromise the privacy interests of an individual provider or a consumer. More information for the media, including HDC’s naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2022/23 HDC made 592 quality improvement recommendations to individual complaints and we have a high compliance rate of around 96%.

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

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