



HEALTH & DISABILITY COMMISSIONER
TE TOIHAU HAUORA, HAUĀTANGA

Commissioner initiated investigation finds breach of woman's rights in residential care home

24HDC00460

A woman's rights under the Code of Health and Disability Services Consumers' Rights were breached by a support worker when he provoked her, retaliated by spitting at her, failed to intervene when she was self-harming, and verbally insulted her, said the Deputy Health and Disability Commissioner Rose Wall, in a decision released today.

The woman was living in a disability residential care setting and had multiple complex social and mental health disorders which could manifest in challenging behaviours and actions. The interactions between her and the support worker at the centre of the investigation, where the support worker could be heard being verbally abusive and spitting at her, were recorded on video.

A complaint was made to HDC about the woman being recorded without her consent; however the content of these recordings were of sufficient concern for Ms Wall to undertake a commissioner-initiated investigation (CII).

'I consider this complaint is significant, as it raises concerns about a longstanding support worker's verbal maltreatment of a vulnerable consumer with dual disabilities and challenging behaviour in residential care. The complaint may never have been brought to the attention of this office had it not come to light in another complaint investigation,' said Ms Wall.'

Ms Wall said it was clear the support worker had provoked and insulted the woman which amounted to a serious lack of respect and that he failed to intervene when the woman was self-harming.

'There were many options available to [MrB] to intervene, including talking to [Ms A], employing de-escalation techniques he had learned in Non-Violent Crisis-Intervention training, and/or calling for assistance. He did not attempt any of those actions or any other type of intervention.

I am critical and appalled when watching and listening to the videos, and I consider that [Mr B] behaved entirely inappropriately towards Ms [Ms A].

Under no circumstances is it acceptable for a community support worker to behave in this way.'

Ms Wall found that the man failed to treat the woman with respect – breaching Right 1(1) of the Code and did not treat the woman with dignity in breach of Right 3.

Ms Wall recommended [Mr B] provide a formal apology to the woman and for him to refamiliarise himself with the Code. Whilst [Mr B] no longer works at the residential care setting, in the event Mr B finds employment as a support worker, she has recommended he ask his future employer to put him through training on treating consumers with respect and dignity and relationship management/communicating with people who display challenging behaviour. Evidence of these actions is to be provided to HDC.

4 November 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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