

Commissioner-Initiated Investigation finds breaches of Code in care of woman with intellectual disability

23HDC00878

A Commissioner-Initiated Investigation into the care of a disabled woman in a specialist residential care home has found two support workers breached the Code of Health and Disability Services Consumers' Rights (the Code) by failing to provide an appropriate standard of care and failing to treat the woman with respect. One support worker also failed to treat the woman with dignity and independence.

The Deputy Health and Disability Commissioner, Disability, Rose Wall, said the pair had breached Rights 4 – tautikanga, 1 – whakamana and 3 – tu rangatira Motuhake, respectively.

The woman at the centre of the breaches has a complex social and medical history. The facility she was in was a secure environment, specifically designed for supporting people who have committed an offence, have intellectual disabilities and complex social needs. Ms Wall said she had initiated an investigation into the matters, despite the woman not supporting a complaint, because of the seriousness of the issues raised and the woman's vulnerability.

The breaches relate to the support workers' interactions with the woman when she wanted to keep her iPad in her room overnight. This was against the facility's rules. The escalation of a disagreement about the issue was captured on a 20-minute audio recording.

The raised voices of both support workers can be heard in the recording. One can be heard calling the woman offensive names. A subsequent report into the incident failed to mention the verbal abuse. After the event, another care worker asked their colleague who had raised the complaint to delete the audio recording.

Rose Wall said the woman should have been treated with dignity and respect regardless of her challenging behaviour. Of one support worker she said, "Ms B's yelling and the way she spoke to Ms A amount to verbal abuse and indicate a lack of respect. Under no circumstances is it acceptable for disability support service providers to verbally abuse anyone in their care."

Ms Wall also said the support worker failed to provide services of an appropriate standard by not following support plans and the organisation's code of conduct.

Ms Wall also said the other support worker had not treated the woman with courtesy and respect "...and did not maintain a zero-harm work environment free from harassment, threats, abuse, discrimination, bullying and violence."

Ms Wall made an adverse comment about the other care worker who had sought to delete the audio recording, saying she did not feel the care worker had treated her colleague's complaint seriously and did not escalate the matter.

The service has apologised to the woman and the support workers who breached the woman's rights no longer work there. The service has advised HDC it has since sought feedback from those in its care to make sure they are happy with the services they receive, reminded residents of their rights under the Code and organised refresher training on the Code for staff. It is also organising code of conduct and resilience training.

Ms Wall commended the organisation for making the changes and recommended it provided evidence confirming content of the new training within six months of the report to HDC. She also recommended one of the support workers provide a written apology to the woman, the other woman has already done so.

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

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 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%.

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