LEARNING OBJECTIVES

The purpose of this module is to ensure the dignity of patients and clients is of utmost importance to employees providing/delivering health and social services. People who are using the Health Service can be very vulnerable because of ill health, old age, a physical or intellectual disability or mental health difficulties. When we are responding to their particular needs we must ensure that we do not engage in any form of behaviour that violates their dignity.

Health Service employers and unions jointly developed a Trust in Care Policy on Upholding the Dignity and Welfare of Patients/ Clients and Managing Allegations of Abuse. This Policy places a strong emphasis on the role of the Line Manager in promoting high standards of care and intervening promptly to address any form of behaviour that undermines the dignity of patients and clients.

The Trust in Care Policy outlines the role of HR tools such as induction, probation and performance management/review in maintaining high standards of care. The Policy also sets out the responsibilities of the manager for communicating the Policy to employees and making employees aware of their duty to be vigilant and to report any concerns regarding the welfare of patients/client and managing complaints of abuse.

TIME

13.30 to 15.00

PROCESS

Introduce the module as per this guide and communicate your expectations of the participants. Follow the steps in the DVD and use the Leader’s Guide to steer the group through the interactive phases. Explain the learning objectives and the legal framework. Refer as appropriate to the Reference Book to allow for interaction and to make notes.

MATERIALS NEEDED

» DVD
» Reference Book
INTRODUCTION

Show Slide 1:

Show Slide 2:
LEARNING OBJECTIVES AND LEGAL FRAMEWORK

Show Slide 3:

Show Slide 4:

Say something like:

At the end of this module you will be able to:

» Describe the legal framework in which the Trust in Care Policy operates
» Explain what is meant by ‘abuse’
» Utilise HR tools to prevent abuse
» Communicate the Policy to your employees
» Manage an allegation of abuse.
Show Slide 5:

Show Slide 6:

Make the following key points:

In contrast to the other modules in this training programme, the Trust in Care Policy does not derive from a specific piece of employment legislation. However, the following legislation contains provisions which are relevant to the Policy:

» **Mental Health Act, 2001** established the Mental Health Commission to promote, encourage and foster the establishment and maintenance of high standards and good practice in the delivery of mental health services. It also aims to protect the interests of those detained under this legislation.

» **Part 14 of the Health Act 2007** deals with protected disclosures and provides statutory protection for Health Service employees from ‘penalisation’ in relation to any aspect of their terms and conditions of employment if they report their concerns that patients or clients may be being put at risk.

» **Equal Status Act 2000 and 2004** prohibits discrimination and harassment of service users on any of the nine grounds, e.g. making derogatory remarks to a patient or client about their race or age.

» **“Children First, National Guidelines for the Protection and Welfare of Children”** is intended to assist professionals and other people who have contact with children to identify and report child abuse. It provides that all personnel involved in organisations working with children should be alert to the possibility of child abuse and should be informed of their obligations to convey any reasonable concerns or suspicions to the HSE.
Before we get into the detail of the Trust in Care Policy it is useful to take a step back and think about what we actually mean by “abuse”. The term “abuse” can be subject to wide interpretation. For the purpose of the Trust in Care Policy, abuse is considered to be any form of behaviour that violates the dignity of patients/clients.
Show Slide 9:

What is abuse?

Abuse may take the form of poor or unsatisfactory professional practice, at one end of the spectrum, through to pervasive ill treatment or gross misconduct at the other.

Say something like:

Abuse may consist of a single act or repeated acts. It may be physical, sexual or psychological/emotional. It may take the form of poor or unsatisfactory professional practice at one end of the spectrum through to pervasive ill treatment or gross misconduct at the other.

Show Slide 10:

What is abuse?

Examples

What may be perceived to be small things can be very undermining of a person’s dignity such as:

- Calling patients/clients names “meanie”, “baldy” or “chubby”. Even using phrases such as “love” and “pet” can be offensive depending on the patient
- Not ensuring adequate clothing in cold weather
- Using a patronising tone
- Shouting at a patient/client

Make the following key points:

What may be perceived to be small things can undermine a person’s dignity for example:

» Calling a person by a nickname
» Persistently referring to patients or clients using slightly derogatory adjectives such as “meanie”, “baldy” or “chubby”. Even using phrases such as “love” and “pet” can be offensive depending on the patient
» Not ensuring adequate clothing in cold weather
» Speaking in a “patronising” tone to an adult, such as “you bold boy or girl” or saying “little chicken”
» Shouting or threatening the patient or client, for example, “If you don’t eat your dinner your visitors won’t come today.”
Show Slide 11:

Video montage of older people in a care home environment being treated sometimes in an offhand manner or without sensitivity.

Show and Read Slide 12:

What is abuse?

- The employee may not even be aware that their behaviour may be creating anxiety and confusion for the patient/client
Show and Read Slide 13:

Tom is a manager in a mental health facility. A new resident, Liam, comes to the centre. During the settling in period, Liam is very down and is clearly pining for his family. To comfort him a few of the staff hug him and kiss him and sometimes they pretend to be different family members. His family see that this behaviour is making their father anxious and distressed so they raise the matter with Tom...

Say something like:
Ask participants what they would do if they were Tom.

Show Slide 14:

What would you do if you were Tom?

Show and Read Slide 15:

Tom meets with the employees concerned to discuss the matter with them. He tells them that there were other ways of comforting Liam and lifting his spirits without being overly physically demonstrative e.g. asking him if he would like a cup of tea, offering to bring him for a walk, having a chat with him. The employees appreciated being made aware of the impact of their behaviour.
Show Slide 16:

What is abuse?

At the other end of the spectrum abuse may include:
- Sexual contact with a patient/client
- Use or threat of physical force
- Overuse of medication
- Isolation
- Misuse or misappropriation of property, possessions or benefits.

Make the following key points:

At the other end of the spectrum abuse may include:
- Sexual contact with a patient/client
- Use or threat of physical force
- Overuse of medication
- Isolation
- Misuse or misappropriation of property, possessions or benefits.
COMMUNICATING THE POLICY

Show Slide 17:

Say something like:

Employees should have access to the Trust in Care Policy and be given a copy of the Trust in Care leaflet, which gives an overview of the salient provisions of the Policy and outlines the role and responsibilities of employees under the Policy.

Inform employees that the safety and wellbeing of patients/clients must take priority over all other considerations, including loyalty to work colleagues. Encourage them to be vigilant and to report any changes in the behaviour of patients/clients which may indicate that something is wrong.

Inform employees that if they receive a complaint, witness inappropriate behaviour or have concerns that a patient/client has been abused or is at risk, they must report the matter as soon as possible to you or another manager. Employees should be reassured that if they report concerns:

» They will be taken seriously
» They will be protected from the risk of reprisals or intimidation
» They will be kept informed of action that has been taken and its outcome.

Advise employees that if they feel that they can’t raise their concerns to their own manager or if they feel that inappropriate or insufficient action has been taken, they should raise the matter outside of their own management structure.
ModuLe 6 – trust in Care PoLiCY

Show Slide 18: Gráinne Playlet, Segment 1

Gráinne is the manager of a residential centre. She hears allegations that John, one of her staff, had shaken a child. She learns he has a reputation for being ‘heavy handed’ but there is nothing on his file.

Say something like:

What actions should Gráinne take?

Show Slide 19:

Gráinne realises the staff were not aware that they should report all allegations of inappropriate behaviour, even minor ones. She ensures the Policy is communicated to all staff.

Show Slide 20: Gráinne Playlet, Segment 2
PREVENTION OF ABUSE

Show Slide 21:

Make the following key points:

Your role goes much further than just communicating the policy. As a Line Manager you have a key role in abuse prevention through the active use of the following HR tools:

- Induction
- Probation
- Performance management/review.
Make the following key points:

Let’s have a look at these steps in more detail.

The induction process provides you with an opportunity to inform new employees of the standards of care and behaviour expected of them including any protocols relating to matters such as:

- Personal and intimate care
- Responding to challenging behaviour
- Appropriate physical contact
- Boundaries of social interaction with patients and clients
- Handling of patients’ or clients’ money and personal possessions

As well as…

- Conducting clinical examinations and assessments – especially those of an intimate nature
- Control and restraint
- Medication.
Show Slide 23:

Say something like:

You should be particularly vigilant during the probationary period. This is the time when new employees establish their suitability for their job. Most new employees work out very well and any problems can be sorted out with extra training or supervision. However, there may be some employees who are not suited to the job and it is important to establish this fact before the probationary period expires.

You must be satisfied that they have established their suitability for continued employment and that they have demonstrated their ability to adhere to the required standards of care. If they fail to do this you should inform the HR department before the expiry of their probationary period.

Show Slide 24:

Say something like:

Employees should undergo regular performance management and review meetings to enable you to provide feedback on their performance and ensure that they are adhering to the required standards of care. These meetings also allow you to identify the refresher training needs of employees and update them on the topics covered at induction to ensure they adhere to protocols relating to their work.
Show and Read Slide 25:

**Text Case Study**

Steve is a manager in a children’s hospital and has been observing one of the doctors, Ciaran, during ward rounds. He has noticed that Ciaran has a habit of standing at the children’s beds making jokes and tickling them until they plead with him to stop. Steve also notices that some of the patients are uncomfortable in Ciaran’s presence and duck under the bed covers when they see him approaching. He suspects that the children are too embarrassed to complain as they do not want to appear to be spoilt or unduly cranky.

Show and Read Slide 26:

**Question**

What should Steve do?

Show and Read Slide 27:

**Text Case Study**

...Steve arranges a meeting with Ciaran to discuss his behaviour and its impact on the children. Ciaran is very taken aback and replies that he was only trying to be friendly and put the children at their ease. He assures Steve that from now on he will stop tickling them.
You have a duty to be vigilant and intervene if you observe any behaviour which is a cause for concern. You should bring the undesirable behaviour to the attention of the employee concerned and outline what is expected of them.

You may wish to arrange for the employee to undergo appropriate training or refresher training.

What may appear initially to be minor performance issues or breaches of standards may, if not addressed promptly, develop into more serious patterns of behaviour.
MANAGING AN ALLEGATION OF ABUSE

The elements of the preliminary screening process are as follows:

» You must notify the employee against whom the complaint was made. Give him/her details of the complaint and advise them that a preliminary screening process is being undertaken. The employee must be advised in advance of his/her right to be accompanied at the preliminary meeting by a union representative or work colleague.

» Ensure that the details of the alleged or suspected abuse are documented.

» Where appropriate arrange for a physical or psychological assessment of the patient/client to be carried out.

» Consult with senior colleagues before making a final decision as to whether or not an abusive interaction could have occurred.
If the preliminary screening indicates that an abusive interaction could have occurred then the matter should be referred to senior management who will decide whether a formal investigation into the allegation is warranted. The allegation will be investigated in accordance with the investigation procedure set out in the Trust in Care Policy.

If, following the preliminary screening of the allegation, it is decided that an abusive interaction could not have occurred then no further investigation is warranted. It is important however to put a record of the decision on the employee’s personnel file in order to protect their reputation.
Where the allegation of abuse is upheld:

- The victim of the abuse should be provided with assistance and counselling to ensure their full recovery from the trauma suffered as a result of the incident.
- Where the abuse is found to have occurred, this can have an adverse effect on staff morale. Assistance should be made available to employees who have been affected by the allegation to help them come to terms with what has happened and to restore a normal working environment.
- The employee should be advised of what will happen next and of his/her right to due process.
- A review of systems should be carried out.
Where the allegation of abuse is not upheld:

- The employee concerned should be assured that his/her career prospects will not be adversely affected by reason of the complaint having been brought against him/her.
- The employee who made the complaint should be reassured that management appreciates that the complaint was made in good faith.
- A review of systems should be carried out.
- Where it is found that a report of abuse was brought maliciously, the employee who made the complaint should be dealt with under the Disciplinary Procedure.

Where the complaint is not upheld, the employee concerned should be assured that his/her career prospects will not be adversely affected by reason of the complaint having been brought against him/her. The employee should be offered counselling and any other support necessary to restore his/her confidence and morale.

- The employee who made the complaint should be reassured that management appreciates that the complaint was made in good faith.
- A review of systems should be carried out.
- Where it is found that a report of abuse was brought maliciously, the employee who made the complaint should be dealt with under the Disciplinary Procedure.

Recap:

- Abuse covers a broad spectrum
- You should proactively use HR tools to prevent abuse
- You should communicate the policy
- Be alert for signs of abuse
- Address shortcomings in performance
- Carry out a preliminary screening where appropriate
TAKE BREAK FROM 15.00 TO 15.15

TRANSITION TO THE MANAGEMENT OF FIXED-TERM EMPLOYEES