



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

**Best Practice Guidelines for Voluntary, Not for Profit Organisations &
Private Service Providers.**

Document reference number	NEASC05	Document drafted by	National Elder Abuse Steering Committee
Revision number		Document approved by	ISD Management Team
Approval date	17 Jan 2012	Responsibility for implementation	Senior Managers Private and Voluntary Agencies
Revision date	April 2013	Responsibility for evaluation and audit	National Elder Abuse Steering Committee
		Pages	12

Signed:  **Asst. National Director, Older Persons Services.**

Date: **17th January 2012**

Signed:  **Chairperson, National Elder Abuse Steering Committee**

Date: **17th January 2012**

TABLE OF CONTENTS

1.0	Introduction.....	3
2.0	Scope	3
3.0	Definition of Elder Abuse.....	3
4.0	Types of Elder Abuse.....	4
5.0	Guidelines.....	4
	5.1 Promoting and Protecting Older Peoples Rights	5
	5.2 Principles of Best Practice for the Prevention of Elder Abuse	6
	5.3 Responding to Suspected or Alleged Elder Abuse	6
	5.4 Safe Recruitment Practice	7
	5.5 Safe Management Practices	8
	5.6 Safe Financial Practices	9
	5.7 Create Awareness of Elder Abuse	10
	5.8 Interagency Collaboration	11
6.	Disclaimer	11
7.	References	12
8.	Acknowledgements	12

Prevention of Elder Abuse

Best Practice Guidelines for Voluntary, Not for Profit Organisations & Private Service Providers.

1.0 Introduction

Both the voluntary and private sectors are extensive service providers in Ireland across the spectrum of health and social services, including services for older people. While the HSE is the main statutory provider of such services, the key objective in terms of elder abuse for all service providers is the adoption of a “whole service” approach to the prevention, protection and management of elder abuse. In this regard best practice guidelines are a prerequisite to achieving this objective and provide a basis for service providers to develop proper standards in the area of elder abuse. The following guidelines are an aid for you and your organisation to developing standards and policies in the area of elder abuse.

These guidelines are based on values reflected in the underlying principles set out in Protecting Our Future (Report of the Working Group on Elder Abuse, DoH 2002). They are inclusive, enabling diverse services to maintain their own philosophies, structures and circumstances and applicable to all organisations working with older people regardless whether they involve volunteer or paid workers.

The guidelines set a framework for the manner in which older people are protected from abuse and also strengthen the capacity of the organisation to best provide for them. The guidelines are set out in check-list format from which organisations can develop their own policy and procedures in the context of their own activities and structures. This will vary according to the purpose of an organisation and should only be used where applicable.

2.0 Scope

These guidelines are applicable to all voluntary and private organisations providing health, social, support and advice services to older people regardless whether they involve voluntary or paid services.

3.0 Definition of Elder Abuse

The definition of elder abuse is “A single or repeated act or lack of appropriate action occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person or violates their human and civil rights”
(Protecting Our Future, Report of the Working Group on Elder Abuse, DoH 2002)

4.0 Types of Elder Abuse

There are several forms of abuse, any or all of which may be carried out as the result of deliberate intent, negligence or ignorance.

- **Physical** abuse, including hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.
- **Sexual** abuse, including rape and sexual assault, or sexual acts to which the older adult has not consented, or could not consent, or into which he or she was compelled to consent.
- **Psychological** abuse, including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks.
- **Financial** or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- **Neglect** and acts of omission, including ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, the withholding of the necessities of life such as medication, adequate nutrition and heating.
- **Discriminatory** abuse, including ageism, racism, sexism, that based on a person's disability, and other forms of harassment, slurs or similar treatment

Abuse can occur in any setting, such as the person's own home, a residential unit, a day care centre, club or hospital. Whilst research and HSE reports indicate that the person causing harm or distress to the older person is usually known to the older person, abusers can be anyone. This includes family members, carers, staff, volunteers, neighbors, friends, other service users, for example.

5.0 Guidelines

5.1 Promoting and Protecting Older Peoples Rights.

The promotion of a rights based approach in its broadest sense to the provision of services for older people will serve as a useful starting point in terms of preventing elder abuse, protecting older people and thereby promote greater social inclusion. Human rights language is mainly concerned with broad civil and political rights. However, economic, social and cultural rights are inextricably interconnected with civil and political rights.

The Human Rights Commission in 2003 outlined the following human rights which are enshrined in the Irish Constitution, EU law and international conventions and covenants:

- *the right to equality and non-discrimination*
- *the right to vindication of the person*
- *the right to personal liberty*
- *family rights*
- *the right to individual privacy*
- *the right to marital privacy*
- *the right to bodily integrity*
- *the right to respect for physical and moral integrity*
- *the right not to be tortured or ill treated*
- *the right to an effective remedy*
- *social and economic rights, including the right to health and social security services*
- *the right to participation in decision making*

It is the responsibility of each service provider to actively promote and protect the rights of older people. These can best be achieved by

- Creating an environment in which older people are valued, have their rights respected and are treated with dignity, sensitivity and respect.
- Having clear and written policies for action to promote and protect older people's rights and having a mechanism for older people to feed into this process.
- Having copies of the relevant policies made available throughout the organisation.
- Appointing a dedicated person with specific responsibility for the promotion and protection of the older person and for managing any issues of concern in relation to abuse.
- Making staff, volunteers, Management Boards and committees aware of their responsibilities under the policies.
- Having written procedures, protocols and guidelines in place in implementing those policies.
- Having proper investigative and disciplinary procedures in place to respond to breaches of policies, procedures, protocols or guidelines.

- Having a clear commitment to promoting and protecting older peoples rights written into all service level agreements.
- Providing ongoing training on Elder Abuse for staff, volunteers, management boards and committees and ensuring appropriate resources are allocated for staff training on elder abuse.

5.2 Principles of Best Practice for the Prevention of Elder Abuse

Adopting principles of best practice in an organisation will help to create an environment in which older people are safe, are valued, are empowered and supported to live happy and fulfilled lives.

- Recognise the fundamental right of the older person to self determination, respecting his/her wishes and giving consideration to same at all times.
- Recognise that the wellbeing and welfare of the older person is paramount.
- Acknowledge the right of every individual older person to be treated with dignity and respect and to be protected from mistreatment or abuse.
- Recognise the fundamental right of the older person to self determination, respecting his/her wishes and giving consideration to same at all times.
- Empowerment of the individual older person to lead an independent life based on self determination.
- Recognise older persons who are unable to make their own decisions and /or to protect themselves, their assets and their bodily integrity, and ensure adequate protection for them.
- Apply the principle of “least restrictive alternative” at all times when making an intervention on behalf of the older person i.e. taking a course of action that puts as few restrictions as possible on the older person’s rights and individual freedoms while, at the same time, meeting that person’s care and support needs.
- The informed consent of the older person is an imperative to all interventions and actions on his/her behalf.
- Capacity to be presumed in the case of all older persons unless strong reasons exist to suggest otherwise
- Confidentiality of personal information is a fundamental right of all older persons.
- Access to the law and judicial process to be afforded to older persons in all situations requiring such access.

5.3 Responding to Suspected or Alleged of Elder Abuse

All cases of alleged or suspected elder abuse must be taken seriously. Organisations should have effective mechanisms in place to ensure a prompt response to suspicions and allegations together with ensuring the safety and wellbeing of the older person and others who may be at risk. These mechanisms include:-

- Providing a clear policy which provides a framework for:-
 - The prevention of elder abuse
 - The protection of older persons from abuse

- Responding to allegations of abuse
- Responding and managing allegations that involve staff or member of the organisation
- Providing an effective communication policy for both staff and service users to promote and implement the elder abuse policy.
- Procedures for receipt of reports, investigation and management of abuse of an older person including the handling of disclosures and recording.
- Clearly defined Reporting Structures within the organisation identifying roles and responsibilities for all staff in dealing with abuse of an older person.
- A Dedicated Person within the organisation with clearly defined responsibilities in relation to the reporting and management of allegations/suspicions of abuse of an older person.
- A Flow Chart for reporting allegations of abuse which should be available for staff in all departments within the organisation.
- A reporting and working Protocol with the HSE, Gardai and other relevant bodies where applicable.
- Separate policies on Capacity, Consent and Confidentiality. A capacity policy includes clear guidelines in relation to assessment of capacity, where applicable.
- Adequate, appropriate resources as required to investigate and respond to allegations of abuse in a timely manner.

5.4 Safe Recruitment Practice

The core purpose of recruitment and selection is to appoint the person who best meets the requirements of a particular post. Where the post involves working with older persons it is very important that organisations take all reasonable steps to ensure that only suitable people are recruited and that those who are unsuited to working with older people are rejected.

Safe practice starts with safe recruitment procedures which involve:-

- The welfare of the older person is the paramount consideration of the outcome of the recruitment process.
- Each organisation should have a policy and procedures document on best practice recruitment.
- Advertisement/Documentation/Job descriptions Relating to Post - All adverts, documentation and job descriptions relating to a post involved in working with older persons should be clear about the commitment to the protection and welfare of the older person e.g. *“The organisation is committed to protecting and promoting the welfare of older persons and expects all staff and volunteers to share this commitment”* or some other such statement.
- Recruiting Personnel - All individuals with a significant role in the recruitment and selection of staff working with older persons should have formal recruitment and selection training, together with training in elder abuse.
- Garda Vetting

- Offers of appointment to staff providing direct care must be subject to satisfactory Garda clearance checks.
 - Garda clearance to be secured for all successful applicants.
- Declaration - All applicants should be required to sign a declaration stating that there is no reason why they would be unsuitable to work with older people and declaring any past criminal convictions or cases pending against them. For some organisations it may be possible for applicants to sign a self declaration whilst awaiting Garda clearance. In these cases applicants should be required to sign a declaration stating that there is no reason why they would be unsuitable to work with older people and declaring any past criminal convictions or cases pending against them.
- Whilst it is not practicable to apply the same general recruitment procedures to all staff (voluntary or paid or those seeking placement, irrespective of whether the post(s) is of a temporary or permanent nature) the same procedures involving protecting older people in recruitment practices are applicable.

5.5 Safe Management Practices

Policies set the framework for decision making. Good management ensures that policies are developed, kept up to date and are understood by all staff. Safe management practices will not only enable safe, smooth and efficient running of an organisation and delivery of services but will also help to minimise the opportunity for accidents, mistreatment or abuse of older persons.

Such practices include:-

- The organisation's mission statement setting out clearly the core values, philosophies and goals of its service
- Having a quality assurance policy.
- Policy, procedures and guidelines on complaints and grievances
- Maintain register of complaints and grievances and outcomes. This also needs to be reviewed and monitored at specified intervals.
- Operating an ID system for staff working with older people by providing ID badges.
- Having a whistle blowing policy to protect staff who report concerns in good faith.
- Policy, procedures and guidelines on consent and confidentiality and how this interacts with reporting elder abuse.
- Ongoing training for staff in the implementation of policies, procedures, protocols and guidelines.
- For those organisations involved in the delivery of health and social care:-
 - Proper assessment procedures for the determination of the suitability of the older person and of the service provision/facilities for the specific service in question and to identify the personal care needs of the older person
 - Maintain a register profiling circumstances and needs of the service user.

- Maintain record of attendances or contacts.
- An accident and incident management system and a register of accidents and incidents is maintained.
- Policy on medication management where relevant.
- Regular review of older person's circumstances and needs, including care plans if applicable.
- Adherence to Health & Safety Legislation.
- Proper governance and supervision structures (including supervision systems) for all aspects of service.
- Staff appraisal system to:-
 - assess general performance
 - support and help self development
 - provide a mechanism to raise issues of concern
 - review any relevant changes in personal circumstances such as criminal convictions or health problems
 - Identify particular skills training needs.
- Policy and procedures on staff discipline and disciplinary procedures.
- System of maintaining detailed, accurate and timely records in relation to clients, staff, accidents, incidents, investigations and outcomes.
- Mechanisms for service user, and/or family, participation in service planning and review.

5.6 Safe Financial Practices

Financial or material abuse includes theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions or the misuse or misappropriation of property, possessions or benefits.

Organisations must ensure that their systems are sufficiently robust to prevent or minimise the opportunity for financial abuse of an older person (see earlier section on good management practices). These include:

- Policies, procedures and protocols on the carrying out of financial transactions on behalf of an older person, including the handling of cash, purchases or banking activities.
- Policy on acceptance of gifts (cash, property or otherwise) by staff or by the organisation itself from an older person.
- Policy on the handling and management of the financial affairs of an older person with impaired mental capacity, including the operation of a patient's private property account.
- Policy on providing assistance and access to legal and citizen's advice for an older person in the making or changing of a will.
- Policy on providing access to advocate or advocacy service.
- Proper physical security facilities for the protection of an older person's personal property including finance related material such as cash, pension book, account books/statements, ATM/Credit Cards etc.

- Knowledge of and training in the operation of Power of Attorney and ward of court arrangements.
- Written service level agreement between the organisation and the older person, clearly setting out:
 - Details of service to be provided
 - Cost/Fees
 - Independent appeals/complaints procedure.
- Maintain a current conditions and circumstances profile of each elderly person in their service and be mindful of the reasons for any change in that profile.
- Secure Garda vetting of all staff, paid and voluntary prior to employment or placement.
- Cognisance of and training in the avoidance of an “Undue Influence” relationship between a staff member and the older person.
- Training/awareness raising for staff and clients on the warning signs of financial exploitation and abuse.

5.7 Create Awareness of Elder Abuse

Good protection practices require all service providers to create and maintain an awareness of elder abuse within their organisations in order to ensure the safety and well being of the older person. The following are suggestions regarding practices that may be governed by:

- Policy on elder abuse which clearly sets out a framework for:-
 - The prevention of elder abuse
 - The protection of older persons from abuse
 - Responding to allegations of abuse.
- Clearly identified referral pathways to local support services
- Induction:-
Organisations should ensure that all new staff under go an induction process to ensure that they are clear about the standards of performance and personal behaviour expected from them.
 - Staff should be made aware of and given training in any Policy, Procedures, Protocols and Guidance (PPPG’s) to be followed when interacting with patients/clients. Ideally these will be in written form.
 - These PPPG’s should be reinforced through supervision, feedback and training.
- Ongoing elder abuse training/awareness raising for all staff and service users.
- Maintaining and monitoring records of staff who have attended training and awareness programmes
- Maintaining an awareness of what resource material is available and how to access same (HSE website, NCPOP website, Residential/ Community DVDs, Elder Abuse leaflets, Open your Eyes Annual Reports etc.)
- Prominently displaying elder abuse information posters/ leaflets and making same readily accessible.(including the elder abuse fact sheet from WHO, displayed in Nursing homes, community centres, day care centres, bingo halls etc)

- Providing information leaflets to help maintain awareness
- Ensuring all staff are cognisant of their particular association's roles and responsibilities in relation to Elder Abuse.
- Maintaining a culture of vigilance within the organisation as some indicators of abuse can be subtle and can be incorrectly attributed to the ageing process.
- Establishing, supporting and strengthening resident committees within nursing homes and residential centres. Resident committees and/or advocacy services serve as a mechanism for protecting residents.

5.8 Interagency Collaboration

Developing and maintaining links with the main players across the spectrum of health and social services is a key factor in the promotion and protection of the wellbeing of the older person. Collaborative and partnership working between practitioners at operational and management levels across the statutory, voluntary and private sectors help to build linkages on both a formal and informal basis. It is essential that a co-ordinated approach is made by all individuals and organisations involved in supporting or providing services directly to older persons. Making links can best be achieved by

- Involving the service user, their family or service user representative body in the organisation.
- Working collaboratively with other agencies in matters of protecting the older person, including having in place shared procedures and protocols for referrals between agencies. This is subject to adherence of the Data Protection Act and must have regard for the confidentiality and autonomy of the older person.
- Networking with all relevant support and service providers to achieve better practice, awareness raising and understanding.
- Establishing and supporting existing local networks with statutory, voluntary and service providers to older people.
- Sharing information leaflets etc on individual organisations, stating their mission statement, standards and policies.
- Having a clear knowledge and understanding of the service provision of all relevant organisations within the spectrum of the organisations own service.
- Engaging in joint training programmes with other relevant agencies.
- Attending conferences, workshops and other events relevant to the wellbeing of older persons.

6.0 Disclaimer

The use of these guidelines is at the user's sole risk. The HSE, the organisations nor their staff or representatives involved in the drawing up of these guidelines shall have no liability for any loss or damage arising out of negligence or otherwise howsoever as a result of, use of or reliance on the information in this document.

7.0 References

Protecting Our Future, Report of the Working Group on Elder Abuse. (2002). Dublin: Stationery Office

Data Protection Act (1988 and 2003)

8.0 Acknowledgements.

This Best Practice Guidelines document was produced by a sub committee of the National Steering Committee for Elder Abuse, chaired by Mr Frank Murphy, HSE West. The members of this committee are as follows:

- Mr Con Pierce (Chair of sub committee until Dec 2010). Formerly HSE South.
 - Ms Sarah Marsh (Chair of sub committee 2011). HSE Dublin Mid-Leinster.
 - Dr Emer Begley, Age Action Ireland.
 - Frances Clifford, HSE West.
 - Catherine Cox, Carers Ireland.
 - Pat Doherty, The Alzheimer Society of Ireland.
 - Vena Doyle, Nursing Homes Ireland.
 - Dr Corina Naughton, The National Centre for Protection of Older People, UCD.
 - Donal Hurley, HSE West.
 - Patricia McEvoy, HSE South.
 - Michelle O'Rourke, Professional Institute of Care Providers.
 - Hilary Scanlon, HSE South.
 - Peter Taylor, Irish Private Home Care Association.
 - Ted Tierney, Mental Health Ireland.
-
- Michelle Egan, HSE West provided administrative support.