

**Disrespect for rest home resident  
(05HDC18417, 7 September 2007)**

*Rest home/hospital ~ Caregiver ~ Verbal and physical abuse ~ Respect, dignity and independence ~ Vicarious liability ~ Rights 1(1), 3*

The family of a 79-year-old woman with dementia complained about the care provided to her by a rest home/hospital, and that the facility failed to provide appropriate services to their mother when a caregiver was said to have verbally and physically abused her.

The woman reported to her family that she felt unsafe, and was being slapped. The family installed a listening device in their mother's room and recorded what they believed to be a caregiver shouting inappropriately at their mother and noises that they interpreted to be slaps.

Under no circumstances is it acceptable for a health care provider to hit, slap or in any other way physically intimidate a person in his or her care. In this case it was not possible to establish that the banging and slapping noises were physical abuse. However, it was established that the caregiver shouted at the woman and spoke to her in a way that was disrespectful. The manner in which she berated her and ordered her to obey amounted to verbal abuse.

It was held that by failing to treat the woman with respect, dignity and independence, the caregiver breached Rights 1(1) and 3.

The rest home was found vicariously liable for the caregiver's breach. Employers have a duty to monitor and maintain the competence of their employees, and to respond decisively to any complaints or concerns about an employee's practice. The rest home had been aware of concerns about the caregiver's manner with residents for some time. It had not done enough to address this.