



17 May 2024

s 9(2)(a)

Ref: H2024039943

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 19 April 2024 regarding rates of assault in aged care facilities in Aotearoa New Zealand.

By way of background, HealthCERT is the team within the Ministry of Health that is responsible for regulating healthcare providers as required under the Health and Disability Services (Safety) Act 2001 (the HDSS Act).

Aged residential care (ARC) providers are required to be certified under the Health and Disability Services (Safety) Act 2001 and to meet the Ngā paerewa Health and disability services standard NZS 8134:2021 (Ngā Paerewa). ARC providers are audited against Ngā Paerewa on a regular basis to ensure residents are provided with safe and appropriate care.

HealthCERT collects information from complaints made about ARC facilities or section 31 notifications that may have incidents of assaults in ARC facilities.

Please find a response to each part of your request below:

- 1. In the past 10 years, how many cases of assault between residents of any and all aged care facilities have been recorded?*
- 2. How many of these recorded cases have resulted in the need for medical treatment? Please can this be broken down into the need for emergency care and the need for in-house care.*
- 3. How many cases of assault between residents and staff have occurred within the last 10 years?*

From 19 April 2014 to 19 April 2024, HealthCERT has received 1,056 section 31 notifications that relate to incidents of assault in ARC facilities.

ARC providers are required to report incidents under section 31(5) of HDSS Act. HealthCERT collects section 31(5) incidents under the following categories:

- Health and safety risks
- Police investigation
- Death reported to the coroner
- Registered nurse coverage
- Other.

Noting 'assault' is not collected as a specific category. However, information has been collected based off the narrative (free text field) provided and key words relating to 'assault'.

Incidents of assault include a range of scenarios. These include for example, verbal assault, physical assault or abuse of any sort (financial, physical or sexual).

The Ministry cannot easily identify any further breakdowns in respect of the need for medical treatment, or whether the incident of assault is between resident and staff or resident on resident due to the way these are reported. Therefore, your request for further breakdowns is refused under section 18(g)(i) of the Act as there is no requirement under the Act for agencies to create new information or compile information they do not hold. There are also no grounds for believing this information is held by another agency subject to the Act.

4. *How many complaints have been made to The Ministry of Health regarding alleged assault between residents AND between residents and staff have occurred in the last 10 years?*
5. *How many staff have lost their jobs or terminated their own employment in the aged care facility sector due to proven or alleged assault between residents and staff?*

I would like to confirm that by "aged care facility" I am referring to any rest home, retirement village or any company and/or business that outlines itself as a facility for the older population to receive care - this being medical, mental or otherwise.

This Ministry is providing you information on complaints received by HealthCERT between the timeframe of 19 April 2014 to 19 April 2024. These are when the complaint investigation is completed.

From 19 April 2014 to 19 April 2024, HealthCERT has received 56 complaints that include allegations of assault in ARC facilities. HealthCERT collects complaints under specific categories, one being 'abuse'. In addition, we have widened the scope of the data to include the narrative provided and key words relating to 'abuse and/or assault'.

Please note complaints about 'alleged assault' may include a range of scenarios (for example financial or verbal abuse) and that complaints made can include multiple aspects of concerns (for example, quality of food and alleged assault).

For most complaints, the conclusion HealthCERT draws is solely whether the complaint was substantiated, partially substantiated, or not substantiated and at the stage of closure of the investigation. In some cases, complaints may be closed as not determined. This is usually due to a complainant formally withdrawing their complaint.

Of the 56 complaints that included allegations of assault HealthCERT found:

- 25 were not substantiated.
- 27 were substantiated (in full or partially). It is important to note this does not mean there were 27 substantiated assault allegations.
- 4 were not determined.

As above, the Ministry cannot easily identify any further breakdowns in respect of alleged assault between residents and resident and staff as such your questions for further breakdowns is being refused under section 18(g)(i) of the Act.

The Ministry does not collect data on job terminations of staff relating to substantiated complaints about alleged assault.

HealthCERT receives complaints directly (from persons) and is advised of complaints received by the funder (Health New Zealand – Te Whatu Ora). It is also important to note HealthCERT does not receive all complaints about ARC providers made to the funder.

For most ARC complaints, the funder completes the investigation and monitors any corrective actions resulting from the complaint investigation.

HealthCERT is also advised of some complaints made to the Office of the Health and Disability Commissioner (HDC). These have not been included in scope of this request as the full information is held by the HDC who can be contacted at hdc@hdc.org.nz.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Ruihua Gu
**Acting Group Manager, Quality Assurance and Safety
Regulation and Monitoring | Te Pou Whakamaru**