

7NEWS

Aged care worker who force-fed, slapped patients allowed to keep working, royal commission hears

By Anne Connolly

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PHOTO: Mistreatment at the Japara Bayview home included force-feeding and face slapping, the royal commission heard. (Japara Bayview Aged Care Home)

A worker who mistreated six elderly residents — including hosing one down with cold water and force-feeding another a hot meal — was warned three times but allowed to continue working after he passed an elder abuse questionnaire, the aged care royal commission has heard.

But two months after the warning about force-feeding the female resident and throwing a call bell at another resident, the personal care assistant abused another elderly woman.

The Royal Commission into Aged Care Quality and Safety today heard the man "shouted", threatened to take her walker, "hit her on the side of the face" and "stomp[ed] on [her] personal clothes".

Another worker witnessed the incident, with the elderly woman saying "stay with me, don't go", according to documents tendered to the commission.

Suspended three times

In April 2016, the woman's daughter wrote a letter to the manager at Japara Bayview at Carrum Downs in Melbourne's south-east, saying her mother was so terrified she wanted all the windows and doors locked.

She said it was not good enough for the personal care assistant to keep working at the facility and she wanted him sacked but wrote: "I suppose it will be like the Catholic priests who are moved on to offend elsewhere."

Japara again suspended the personal care assistant, but he resigned before he could be sacked by the company.

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Key points:

- A woman said her mother was "terrified" by the actions of the worker at a Japara aged care home
- The royal commission heard it was not known whether the worker was still employed in aged care
- The inquiry was told the home care sector had "fly-by-night providers" who needed watching

However, in a "statement of service" for future employers there was no mention of any of the incidents of abuse and mistreatment.

Instead, the statement said the personal care assistant's duties included attending to the "physical, mental and lifestyle need and wants of the residents".

There was no mention of whether the worker — who was not named at the hearing — is still working in the industry.

Counsel assisting, Peter Rozen QC, said the royal commission had asked Japara whether other employers had made enquiries about the man's employment there but they had received no such communication.

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'First and final warning' revised down

Japara is one of the nation's biggest aged care chains, with 50 nursing homes.

It reported the man to the Department of Health and the police on one occasion, however he was not charged and did not face any court proceedings over the incidents.

Mr Rozen questioned the former facility manager at Japara Bayview, Dianne Mnich, who told the royal commission she had sent a letter to the worker titled "first and final warning".

The letter raised serious misconduct, involving hosing down a woman with cold water, speaking rudely to others and causing distress to another resident who said she was forced to go to bed.

But the royal commission obtained emails from the Health Workers Union questioning the legality of sending the man a "first and final warning", resulting in Japara changing the letter to a "first warning" only and ordering him to complete the company's elder abuse education.

Mr Rozen questioned Japara's former senior Human Resources Advisor, Nicole Farrell, about the decision to change the warning, saying: "If it had stayed a first and final warning, any further instance of serious misconduct would have resulted in termination of [his] employment?"

Ms Farrell agreed.

Mr Rozen asked "There wouldn't have been the later incidents at Japara. Do you agree with that?", to which Ms Farrell replied "I agree with that".



PHOTO: Japara's human resources advisor Nicole Farrell faced questioning over how management handled the worker's misconduct. (ABC News: Gemma Hall)

Commission hears of 'fly-by-night' operators

This third week of royal commission hearings in Melbourne has heard evidence about the lack of a national register for personal care assistants (PCAs) in Australia.

PCAs make up between 70 and 80 per cent of the aged care workforce but are unregulated, unlike registered and enrolled nurses who are disciplined under the Australian Health Practitioner Regulation Agency (AHPRA).

The royal commission also heard from a worker in the home care sector who said unregulated and untrained workers are able to "walk in off the street" and begin working in homes with the elderly.

Janice Hilton, who works in home care, said the sector was growing so quickly that a lot of "fly-by-night" businesses with no experience in aged care were entering the sector.

"There needs to be a closer look at these providers and penalties for people who break those codes or standards," she said.

"We need to have a version of the child care quality framework in aged care," she said.

At an earlier hearing, a Department of Health whistleblower told the royal commission that 80 per cent of new applicants for home care licences were "bottom feeders" and should not be allowed to enter the sector.

Topics: royal-commissions, aged-care, older-people, health, assault, healthcare-facilities, unions, melbourne-3000, carrum-downs-3201, australia