Australian Nursing & Midwifery Federation

ANMF Position Statement

Compulsory reporting of abuse in aged care settings for nurses and assistants in nursing

"Older people have the right to be treated with respect and dignity, whether they are being cared for in their own homes or in residential aged care."[1]

The abuse of an older person has been defined as "any act occurring within a relationship where there is an implication of trust, which results in harm to the older person. Abuse can include physical, sexual, financial, psychological and social abuse and/or neglect".[2]

This position statement applies to registered nurses and enrolled nurses and assistants in nursing providing care and services to older people regardless of the where care is provided.

Compulsory reporting of abuse of older people in aged care was introduced by the Australian Government in the Aged Care Act 2007.

It is the position of the Australian Nursing and Midwifery Federation that:

1. Any abuse of an older person is unacceptable.
2. Compulsory reporting is one element of a comprehensive response to the abuse of older persons. On its own, compulsory reporting will not prevent the abuse of older people.
3. In order for compulsory reporting to be effective, clear policies and protocols at the work place level must specify and support the process to be followed by the person making a report of any alleged abuse.
4. Registered nurses, enrolled nurses and assistants in nursing are required to report any suspected or actual abuse of an older person. They must report to their employer or directly to the Police or the Department of Social Services.
5. The person to whom the report is made has a legal obligation to investigate and take action, and to advise the person making the report that action has been taken, and in what manner.
6. If the person making the report is not satisfied with the action taken, they have an obligation to make the report to a higher authority.
7. The person making the report must not be subject to any victimisation or discrimination in the workplace as a result of making the report.
8. The Australian Government has a responsibility to adequately fund the authority to which reports of abuse of an older person are made so that a full and comprehensive investigation can be undertaken.
9. The person against whom the complaint is made has the right to be informed of the complaint, the nature of the complaint, is entitled to representation; and to be accorded a process which is fair, transparent and unbiased.
10. The employer has a responsibility to provide education to all employees regarding abuse of older people and compulsory reporting, and to promote a workplace environment that creates a culture of respect for older people.

11. Registered nurses and enrolled nurses are bound by codes of ethics and professional conduct[3, 4] with which they are required to comply when providing care to older people and when responding to any maltreatment of older people in their care.

12. Registered health practitioners may be required to make a mandatory report on another health practitioner. Nurse and midwives should also refer to the Nursing and Midwifery Board of Australia's *Guidelines for Mandatory Notifications*[5] for details of their obligations under the *Health Practitioner Regulation National Law Act* as a nurse or midwife.

13. Members are encouraged to contact their Branch for advice if they are concerned about any aspects of making a report, or if they are implicated in a report.

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References

1. Australian Government Department of Social Services. Information on elder abuse concerns. Available at: http://www.myagedcare.gov.au/
2. This definition of elder abuse was endorsed in 2000 by all Australian state and territories through the Healthy Ageing Taskforce. Available at: http://www.eapu.com.au/EdlerAbuse.aspx
3. Australian Nursing and Midwifery Council, Australian Nursing Federation and Royal College of Nursing Australia. *Code of Ethics for Nurses in Australia*. August 2008. Adopted by Nursing and Midwifery Board of Australia (2010). Available at: http://www.nursingmidwiferyboard.gov.au/Codes-and-Guidelines.aspx
4. Australian Nursing and Midwifery Council. *Code of Professional Conduct for Nurses in Australia*. August 2008. Adopted by Nursing and Midwifery Board of Australia (2010). Available at: http://www.nursingmidwiferyboard.gov.au/Codes-and-Guidelines.aspx
5. Nursing and Midwifery Board of Australia (2010) *Guidelines for Mandatory Notifications*. Available at: http://www.nursingmidwiferyboard.gov.au/Codes-and-Guidelines.aspx