



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

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.

The abuse of a person in an aged care setting includes any act which occurs within a relationship where there is implied trust or power imbalance, which results in harm. Elder abuse can be defined as 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”. Elder abuse can take various forms such as physical, sexual and financial abuse. It can also be the result of intentional or unintentional neglect.¹

Neglect can occur due to excessive workloads and could include episodes of missed care and/or poor quality care.

This position statement applies to registered nurses, enrolled nurses and assistants in nursing providing care and services to people in aged care settings.

Compulsory reporting of abuse of people in aged care was introduced by the Australian Government in the Aged Care Act 2007 (see S.63-1AA), and refers to

- i) unlawful sexual contact with a resident of an aged care home, and
- ii) unreasonable use of force on a resident of an aged care home

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

1. Any abuse of a person is unacceptable.
2. Compulsory reporting is one element of a comprehensive response to the abuse of people in aged care settings. On its own, compulsory reporting will not prevent the abuse of 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 people in their care. They must report to their employer or directly to the Police, the Department of Social Services, the Aged Care Complaints Commissioner, or where appropriate, the jurisdiction based Health Care Complaints Commissioner.
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 a 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 afforded a process which is fair, transparent and unbiased.
10. The employer has a responsibility to provide education to all employees regarding abuse of people in their care and compulsory reporting, and to promote a workplace environment that creates a culture of respect for all people.
11. Registered nurses and enrolled nurses are bound by codes of ethics and professional conduct^{2,3,4} with which they are required to comply when providing care and when responding to any maltreatment of people in their care.
12. Registered health practitioners are also required to make a mandatory report or complaint regarding another health practitioner. Nurses 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 enacted in each state and territory.
13. Members are strongly encouraged to contact their state or territory Branch for advice if they are concerned about any aspects of making a report, or if they are implicated in a report or complaint.

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References

1. World Health Organisation (2016) Definition of abuse. Available at: http://www.who.int/ageing/projects/elder_abuse/en/
2. Nursing and Midwifery Board of Australia (2016) Registered Nurse Standards for Practice. Available at: <http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards/registered-nurse-standards-for-practice.aspx>
3. Nursing and Midwifery Board of Australia (2016) Standards for Practice: Enrolled Nurses. Available at: <http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards/enrolled-nurse-standards-for-practice.aspx>
4. Nursing and Midwifery Board of Australia (2013) Codes of Ethics for Nurses. Available at: <http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Professional-standards.aspx>
5. Nursing and Midwifery Board of Australia (2014) Guidelines for Mandatory Notifications. Available at: <http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines/Guidelines-for-mandatory-notifications.aspx>

This position statement should be read in conjunction with the ANMF Position Statement on *Criminal record checks for nurses and assistants in nursing caring for people in aged care settings*.