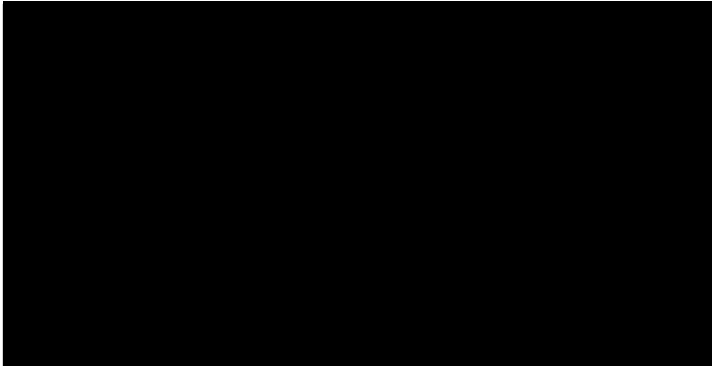


31 July 2020



Re Official Information Request – Correspondence to Health & Disability Commissioner into Ellerslie Gardens investigation

I refer to your official information request dated 9 July 2020 requesting the following information:

Copies any reports, documents, memoranda, correspondence, legal advice or emails, both internal and external regarding:

- **Copies of any correspondence (internal and external), reports, briefings, documents, memoranda regarding or related to the Health & Disability Commissioner investigation into Ellerslie Gardens Lifecare (which was notified to the DHB in a letter from the HDC on April 23).**

This request has since been clarified by you to capture the correspondence (or reports) that took place when the Health and Disability Commissioner wrote to Auckland DHB saying that they were investing Ellerslie Gardens, and the DHB's response to that.

Please find enclosed letters that we hold regarding the HDC investigation. We note that the investigation by the HDC is on-going.

You are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Auckland DHB website.

Yours faithfully



Ailsa Claire, OBE
Chief Executive

Someone filled out a form from the website

Submitted data

The following data was submitted.

Field name	Submitted data
Step 1 - About You	
Title	Other
Other	
First Name	P
Last Name	S
Address	20 clare place Mt Wellington
Home Phone	
Business Phone	
Mobile Phone	
Email address	
Post	
Specify the preferred method of contact:	
About the person you are complaining on behalf of	
Title	Other
Other	
First name	
Last name	
Home Phone	
Business Phone	
Mobile Phone	
Email Address	
Address	
Date of birth	
NHI	
Is the person who received the service aware that you are making a complaint on his/her behalf?	No
If No, is there a	

particular reason why the person is not aware of this complaint?

What is your relationship to the person who received the service?

The Privacy Act and Health Information Privacy Code state that we may release personal information (including personal health information) only to people who are entitled to that information.

Therefore, if you are not the person who received the services being complained about, please advise whether you are one of the following.

(Please note that we may ask for proof of this relationship, if you have documents which would assist in this regards please upload them below.)

Other

Upload proof of relationship

Step 2 - Your Complaint

Name of the service provider (person or organisation) Ellerslie Gardens Heritage Lif

Name of the organisation Ellerslie Gardens Heritage

Address (location where service provided) 20 Clare Place Ellerslie Panmure Highway Mt Wellington

Phone number (if

known)

Type of health or disability service provider

Rest home

Other provider - please specify

What is your relationship to this person/organisation (if any)?

Professional colleague

Are you complaining about more than one person relating to the same complaint?

Name of the service provider (person or organisation) *

Organisation (if different from above)

Address (location where service provided)

Phone number (if known)

Provider Type

If you have any concerns about our doing this, please detail this here.

Other details

Is the person you are complaining for still receiving services from the provider(s)?

Step 3 - What Happened

Please give us all the dates and relevant details you can remember.

The Residents are suffering at the moment Due lockdown they are not receiving proper daily care, no turning, no toileting no feeding as all the permanent staff are sent to isolate due Covid19 positive at facility. The random staff are coming in but they don't know what to do . Only kitchen staff are there but they can't be doing cooking serving meals feeding and collecting dishes from room. The meals are prepared daily but there should be Care Staff to look after residents as the meals are still in room on the breakfast table getting cold. There is no Roster for the permanent staff at the site No Communication for

the permanent staff what is going on why they are still isolated even not dealt with those patients or the test negative. Just please go in and see the patients are going through as some residents may speak out. The headoffice should now what is going on Communicate with permanent staff what is going on.

If the events you are complaining about occurred more than two years ago, please tell us the reasons for the delay in bringing the matter to our attention.

If there were other people present at the time of the events complained about, please provide details and explain how they may be able to help. If possible, please provide a statement from them, by post, email

(hdc@hdc.org.nz), or by attachment below, about the events that occurred.

Step 4 - Tell us more about your complaint

Results: What do you want to achieve by making this complaint?

My achieve is that patients come first their rights not to suffer even those who don't know what is going on. My achieve is do not neglect patients they got rights They are Human Being

Other paths to resolution: Have you tried to resolve your complaint in another way - for example, by meeting with the provider about whom you are unhappy, or working with an advocate? If so, please give details, including the

outcome. If you have copies of any correspondence with the provider, or notes from meetings, it would be helpful to supply copies of these to us either by email or post.

Other No

Agency/Agencies:
Have you made a complaint to another agency about this matter (for example, ACC, the Human Rights Commission, the Privacy Commissioner, the Police)?

If Yes, please give details, including the outcome.

Special communication needs: If you have special communication needs we should know about when responding to your complaint, please let us know below (for example: "I prefer documents in large print"; "Please talk loudly and clearly as I have a hearing impairment," etc).

5. Further information

Age Group 35 to 44 years
Gender: Do not wish to answer
Which ethnic group do you belong to? I do not want to state my ethnicity
Mark the ethnicities which apply to you
Other such as DUTCH,

**JAPANESE,
TOKELAUAN. Please
state:**

**Attach documents
here (Total maximum
size allowed 10Mb)**

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23 April 2020

Ailsa Claire
Chief Executive Officer
Auckland District Health Board

By email: feedback@adhb.govt.nz

Dear Ms Claire

Complaint: Ellerslie Gardens Lifecare
Our ref: C20HDC00705

On 17 April 2020, this Office received an anonymous complaint about the care provided to unnamed residents at Ellerslie Gardens Lifecare. The complainant has not provided any contact details but has identified themselves as a “professional colleague” of staff. A copy of the complaint is **enclosed** for your information.

Having carefully reviewed the complaint, I am concerned that it raises issues about a deterioration in the quality of care provided and the possible impact on the immediate welfare and safety of the elderly residents. Whilst I am mindful that aged care facilities have been required to make various changes to their practices as a result of the Covid-19 pandemic, I do not consider that it should significantly impact on the standard of care provided to consumers.

Accordingly, I have brought this matter to the attention of the Director General of Health so that he is aware of the concerns raised. I also consider that it is desirable in the public interest that Auckland DHB, as the funder of the services provided at Ellerslie Gardens Lifecare, is made aware of this complaint and the issues raised. I therefore refer this matter to Auckland DHB pursuant to section 59(4) of the Health and Disability Commissioner Act 1994.

Notwithstanding current circumstances, I would appreciate your prompt attention with regard to this matter and a report back to HDC on actions taken as soon as practicable.

Please note that HDC will be writing to the provider on **Tuesday 28 April 2020**. A copy of the complaint will be provided and Ellerslie Gardens Lifecare will be asked to respond to the issues raised.

If you wish to discuss this further, please contact Vanessa Lin on Vanessa.lin@hdc.org.nz.

Yours sincerely

A handwritten signature in black ink that reads "Rose Wall". The signature is written in a cursive, slightly slanted style.

Rose Wall
Deputy Health and Disability Commissioner

Enc Copy of complaint
Cc Ailsac@adhb.govt.nz

30 April 2020

Rose Wall
Deputy Health and Disability Commissioner
Health and Disability Commissioner
PO Box 1791
AUCKLAND 1140

By email: hdcresponses@hdc.org.nz

Dear Rose

Your reference: C20HDC00705

Provider: Heritage Lifecare Limited – Ellerslie Gardens Lifecare

Thank you for your letter dated 23 April 2020, advising HealthCERT of an anonymous complaint you received regarding the care of residents at Ellerslie Gardens Lifecare.

Ellerslie Gardens Lifecare has a four-year certification period that expires 5 November 2023. The most recent audit was a certification audit in August 2019, this resulted in all standards as fully attained.

HealthCERT has not received any complaint or notifications about Ellerslie Gardens relating to your complaint. Two new clinical manager notifications were received, one in December 2017 and the other in April 2018. A change of governing body notification was received in June 2019.

The Ministry is currently undertaking a review of the five COVID-19 clusters in Aged Care facilities, which includes Ellerslie Gardens. The District Health Boards are also conducting assessments of each Aged Care facility to ensure preparedness in case of a COVID-19 positive outbreak.

Regarding this complaint, HealthCERT has contacted the DHB Portfolio manager to request information and follow up, we will update you in due course.

Yours sincerely



Ruihua Gu
Manager, HealthCERT
Quality Assurance and Safety
Ministry of Health

cc: Bryan Agnew, HOP Programme Manager, Auckland District Health Board; Vanessa Lin, Resolution Project Leader, Health and Disability Commission



Auckland DHB
CHIEF MEDICAL OFFICER
Level: Executive Suite, Level 1
Building: Building 37
Auckland City Hospital
Private Bag 92024
Auckland 1142

Ph: (09) 307 4949 ext: 21957
Email address: mwilsher@adhb.govt.nz

7 May 2020

Rose Wall
Deputy Health and Disability Commissioner
Via email: hdcresponses@hdc.org.nz

Complaint: Ellerslie Gardens Lifecare
Our ref: C20HDC00705

Dear Ms Wall,

I refer to your letter dated 23 April 2020, which advises that the Health and Disability Commissioner (HDC) has received an anonymous complaint from a professional colleague of staff at Ellerslie Gardens Lifecare.

Due to the content of the complaint, the serious concerns it has raised and the current circumstances that Ellerslie Gardens Lifecare is working under, I believe it is necessary to provide you with an initial response to the allegations made in the complaint in anticipation of a full response to the issues raised.

Background and current situation

Ellerslie Gardens Lifecare provides rest home and hospital level care to up to 97 residents. The service is operated by Heritage Lifecare Limited.

On the 7 April 2020 a resident of Ellerslie Gardens Lifecare was admitted to Auckland City Hospital (ACH) and was subsequently tested for SARS-CoV-2 (COVID-19). The test was returned as positive and a COVID-19 outbreak was declared at the facility. This case was subsequently linked to a previous positive result from an Ellerslie Gardens Lifecare employee in late March. Auckland Regional Public Health Service (ARPHS) undertook contact tracing and all residents (77) were placed into isolation and a high proportion of Ellerslie Gardens Lifecare staff (60) were placed under 14 days quarantine. At the same time six Ellerslie Garden Lifecare residents were admitted to ACH as a precaution due to displaying symptoms consistent with COVID-19 or for other clinical reasons.

The strict quarantine regimen put in place required extensive Auckland DHB input, comprising clinical support including nurse practitioner and geriatrician support and oversight, infection control and prevention support, personal protective equipment (PPE) supply, supply of other equipment, and advice on correct usage of PPE.

Auckland DHB has provided significant workforce (registered nurses and healthcare assistants) to cover staff shortages at Ellerslie Gardens Lifecare. Due to the need to put in place isolation practices, the usual staffing levels were significantly increased.

Daily meetings were established, led by the Auckland DHB COVID-19 incident management team, involving Heritage Lifecare senior management and clinical leads, Auckland Regional Public Health Service, and Auckland DHB senior clinicians and leaders from our community and hospital operations teams. This allowed for rapid escalation and resolution of any issues.

Ellerslie Gardens Lifecare completed the initial 14 day quarantine period on the 25 April 2020, and has commenced the next 14 day period of isolation, which is less restrictive for the majority of residents. The majority of Ellerslie Garden Lifecare staff have been released from quarantine and have returned to work. The DHB is continuing to provide staffing resources where necessary, as well as PPE supplies, and will continue to provide oversight of the facility for as long as it is needed.

As at the 5 May 2020, one resident remains COVID-19 positive, one employee is positive, and four residents and three staff have been declared probable cases. All, bar one resident, have been discharged from hospital. One resident has been transferred to an alternative facility on discharge from hospital.

We acknowledge that this period will have been stressful for residents, staff and family members. I can assure you that the residents have been provided safe and appropriate care throughout this period.

Yours sincerely,



Dr Margaret Wilsher MD, FRACP, FRACMA
Chief Medical Officer
Auckland District Health Board



**ELLERSLIE GARDENS
LIFECARE**

09 June 2020

Kyle Frank
Complaints Assessor
Health and Disability Commissioner
PO Box 1791
AUCKLAND 1140

Complaint: Anonymous
Your ref: C20HDC00705

Thank you for your letter dated 29 April 2020 in relation to an anonymous complaint the Health and Disability Commissioner received. The complainant raised concerns about the care provided to residents at Ellerslie Gardens Lifecare during the Covid-19 Alert Level 4 lockdown.

Background

On 09 April 2020 Ellerslie Gardens Lifecare was informed that one of the residents who had been admitted to Auckland City Hospital (ACH) on 07 April had tested positive for COVID 19, two days following their admission to ACH. Auckland District Health Board (ADHB) and Auckland Regional Public Health Service (ARPHS) advised the Care Home Manager at Ellerslie Gardens Lifecare to commence lockdown. The care home was already at Alert Level 4 lockdown. Heritage Lifecare organized their COVID response team to mobilize to Ellerslie Gardens. All residents were immediately put into isolation.

Residents family members were contacted by phone, as well as a follow-up letter on 09 April 2020. Staff were notified using the 'whatsapp' on 09 April and by letter 10 April. Communication was daily in the first 48 hours and then was every 48 to 72 hours in the following week. Weekly written communication with family members continued throughout lockdown. Written communication with family members has continued since.

On 11 April 2020 ARPHS identified thirty-seven Ellerslie Gardens Lifecare staff, who they considered to be close or casual contacts of the resident who had the positive COVID test. These staff were asked to self-isolate immediately by ARPHS. The staff required to isolate included the Clinical Services Manager, Care Home Manager, Registered Nurses, care staff, one cleaner and activity staff.

On 19 April ARPHS required the remaining twenty-five Ellerslie Gardens staff who had continued to work at Ellerslie Gardens to self-isolate. Throughout this time, Heritage Lifecare worked with ADHB to ensure that the requirements of the roster at Ellerslie Gardens was fully met. Daily meetings were held via 'zoom', with ARPH's and ADHB personnel, GM Quality & Clinical, Heritage CEO and the Heritage COVID response team.

In order to fully staff the roster at Ellerslie Gardens Lifecare, given the fact that almost all staff had been told by ARPHS to isolate for 14 days, additional support was provided by a recruitment agency, ADHB and staff from other Heritage Lifecare facilities.

Senior staff from other Heritage care homes throughout New Zealand also provided additional staffing support. This included the Quality Assurance Manager, a relief Care Home manager, a relief Clinical Services Manager, registered nurses and care staff. Heritage Lifecare also employed two additional support workers who were companions for two residents who had become very unsettled with the changes that had occurred at Ellerslie Gardens through COVID.

Even though 95% of Ellerslie Gardens staff were in isolation, and relief staff were in place, Heritage Lifecare endeavoured to ensure a high level of continuity of care for the residents at Ellerslie Gardens.

ARPHS started releasing staff to return to work on the 22 April through to and up until 01 May 2020. From 03 May 2020 all Ellerslie Gardens staff had returned to work.

Matters Raised in the Anonymous letter of Complaint

The residents were not provided proper daily care, turning, toileting and feeding due to permanent staff being sent to isolate

A member of the management team at Ellerslie Gardens met all new staff coming on shift each day in the main reception area. Staff were allocated their residents and work areas. All staff were given a handover sheet and a verbal handover from staff on the previous shift. All residents were toileted in their own bathrooms.

Caregivers were advised that there was information in every resident's room inside the wardrobe door about:

- Shower days; including if the preferred time was in the morning or afternoon
- Bed linen change days
- Mobility and transferring charts
- Transferring requirements: one person assist, two person assist, type of device to be used if assistance is required e.g. Sara Stedy sit to stand hoist, standing hoist, sling hoist
- Mobility aids used: cane, walker, gutter frame, wheelchair, chair bound
- Resident handling risk: risk of falls, skin, vision, hearing, communication, impaired movement, cooperation issues, footwear needs, loss of sensation
- Capabilities: moves normally, can weight bear, can assist with tasks, can tolerate basic activities, can balance
- Requires 2 hourly turns
- Any continence products used and size

ADHB and agency staff received relevant information to provide good care for the residents. If they were unsure, they could ask the management team or the Heritage staff onsite.

Details of the training provided to replacement staff.

- All ADHB and agency staff who worked at Ellerslie Gardens were orientated to Standard and Transmission-Based Precautions
- Staff were required to watch the ADHB video on donning and doffing of PPE at each handover. This video is widely used throughout the New Zealand health care sector. Staff were also required to demonstrate competency with donning and doffing of PPE at each handover
- Information identifying residents requiring support with diabetes management, resuscitation and an updated list of Emergency Clinical contacts was clearly displayed on the notice board in each nurse's station. Information about residents who were charted controlled drugs was also included.
- Every staff member was provided with an information pack that included
 - Welcome to Ellerslie Gardens Lifecare letter
 - Emergency Clinical contacts
 - Heritage Lifecare After Hours Emergency contacts
 - A list of residents resuscitation status
 - A list of resident who were diabetic and an action plan in place for each individual resident
 - A map of the facility
 - Agency and Staff feedback form
 - Handover sheet that identified specific needs of each individual resident
 - An Ellerslie Gardens Lifecare – Health and Safety Induction booklet was handed to all staff
 - **DHB provided training/education:**
 - Care of the Older Adult – Maree Todd
 - What does working in ARRC look like – Sharon Mildon
 - PPE and Infection Control – Sharon Mildon
 - Stop/Watch tool – Theresa Tupufia-Lui Yuen
 - Working at Ellerslie Gardens – Pam Walker
 - PPE posters were placed throughout the facility

Details on the daily meals provided to residents.

- Kitchen staff were not required to isolate by Auckland Regional Public Health Services, therefore the kitchen continued to run as 'normal'.
- Heritage Lifecare has a chef developed and dietitian approved four weekly seasonal menu
- Residents requiring texture modified food continued to receive the special meals as part of a national contract we have with Pure Foods Co.
- The kitchen is centrally located in the facility. All meals were dispensed via a servery on trays which were then loaded on to trollies and then taken by caregivers to the appropriate wing.
- Meals were prepared for residents according to their nutrition and cultural requirements, likes and dislikes. Small groups of more mobile residents had their

meals in the dining room while maintaining the required social distancing. The remainder of the residents had their meals in their bedrooms.

- Residents that required support with their meals were identified on the shift handover form and supported by staff at meal times
- The acting Care Home Manager, Nicki Johnson, acting Clinical Service Manager, Sheree Lavender and Pam Walker, Quality Assurance Manager also walked the floor at meal times to ensure residents were positioned correctly, and assisted with feeding residents, as required. They were also available to advise and support ADHB staff and agency staff during meal times.
- The dirty dishes, were brought back to the kitchen by caregivers, and left at the kitchen door. Kitchen staff then loaded the dirty dishes into the steriliser.

The complainant's allegation that there is no roster for permanent staff at the facility

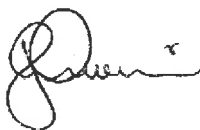
- On 12 April there was a slight delay with the roster. ARPHS identified thirty-seven Ellerslie Gardens Lifecare staff who they considered to be close or casual contacts of the resident who had the positive COVID test. These staff were asked to self-isolate immediately by ARPHS. This had a significant impact on the roster in place at the time as additional staffing to cover the staff being told to isolate immediately had to be sourced.
- Rosters were issued 24 hours in advanced to all staff and were also sent to the ADHB who provided assistance with filling the rosters. Additional staff was also provided by a recruitment agency and staff from other Heritage sites
- The RN roster and caregivers roster was almost doubled to allow for the fact all residents were in isolation and to facilitate continuity of care
- Following the second wave of staff being sent in to isolation by ARPHS further staff were sourced from a second recruitment agency. At this stage a weekly roster was being published
- As Ellerslie Gardens staff were permitted to come back to work by ARPHS the roster could be published two weeks in advance.

Details on the communication provided to permanent staff regarding isolation.

Communication was provided daily and at every handover about the residents in isolation and what precautions were in place for the health and safety of both staff and residents. Management on site updated staff of any changes that were occurring. EAP support was offered to staff members and welfare checks were made to all staff who had been advised to self-isolate.

As we welcome any opportunity to improve our service, we look forward to your reply.

Yours sincerely



Jacqui Quinn
General Manager, Clinical and Quality
Heritage Lifecare