

# LIBERTY-DEPRIVING METHODS - A SPECIAL FORM OF VIOLENCE AGAINST ELDERLY PEOPLE IN RESIDENTIAL CARE FACILITIES

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## Introduction

The practice of liberty-depriving methods in nursing may be regarded as a profound intervention in the fundamental rights and freedoms of respective individuals.

Particularly mechanical restraining devices such as belt-systems, bed safety railings, or other forms of anchorage are predominantly utilized in order to avoid falls, behavioural disorders and uncontrolled agitation in elderly people, who frequently suffer from a form of dementia.

However, applying those systems is not only associated with a loss - or at least severe limitation - of individual liberty, autonomy and social relationships. It may also cause severe health problems, particularly if regularly applied. Moreover, mechanical restraining devices may lead to injuries or even accidental death.

## Goals

Applying liberty-depriving methods without individuals in need of care having given consent can be regarded in particular as a substantial form of violence against those human rights associated with self-determination and autonomy.

Although there is a statutory obligation in place in Germany, requiring the documentation of every single case of applying liberty-depriving methods, statistical data concerning frequency and quality of liberty-depriving methods has, to our knowledge, not been gathered in a systematic and accessible (i.e. electronic) manner from residential care and eldercare units as well as supervising institutions.

In order to help with remedying that short-coming, a survey study investigating the prevalence and quality of liberty-depriving methods in all residential eldercare units in Bavaria was announced on the 15th of June 2008 („World Elder Abuse Awareness Day“) in support of the United Nations International Plan of Action which recognizes the significance of abuse and neglect of older adults as a public health and human rights issue.

## World Elder Abuse Awareness Day

This specific date was chosen because we wanted to draw attention to the fact that liberty-depriving methods can be regarded as a form of violence against individuals – frequently of advanced age -, who are in need of care.



## Outcome

1. The state county of Bavaria has introduced efficient programs and measures for fostering responsible use of liberty depriving methods. Just to give a recent example, a code of practice “Responsible use of liberty depriving methods in nursing” has been published in 2006. The Ministry for Labour, Family and Health in Hesse has also endorsed the advices and suggestions provided in this code of practice and correspondingly implemented them. This book not only provides ways of avoiding liberty depriving methods and recommendations for preventing wrong or illegal anchorages, it also contains a list of criteria for internal and external quality management.



<http://www.fem-prevaention.de/dokumente/fem-leitfaden.pdf>

## Outcome

2. The Bavarian state ministry of social affairs has kindly supported us by announcing the study and by inviting the management board of all residential eldercare units in Bavaria to participate in the survey. In total 567 institutions - more than one third - have provided data.
3. The impressive response rate of our 2008 study, as well as the interesting results, have encouraged us to conduct an extended replication survey study in 2009 not only in the federal state of Bavaria on the same day (15th of June 2009), but also in the federal state of Baden-Württemberg (10th of December 2009). Additional survey polls are scheduled for the 10th of May 2010 in Hesse as well as the 15th of June 2010 both in Bavaria and Rhineland-Palatinate, with the support of the respective State Ministries of Labour and Social, Family and Womens Affairs.
4. Our long term goal is collecting data on a yearly basis in different state counties in Germany, and preferably an area-wide coverage. This will allow us to analyse longitudinal trends concerning the change in prevalence and quality of liberty- depriving methods. It is necessary and important to conduct those studies because the socio-demographic change will impose new challenges upon eldercare in the nearer future, and residential care institutions will have to adapt in order to meet these requirements.
5. We hope that our studies may not only be able to help with building a data base necessary for evaluating the quality of eldercare (at least with regard to a pivotal criterion) but also for informing political decision-makers about the status quo in eldercare.
6. We have created a portal site [www.fem-praevention.de](http://www.fem-praevention.de) on the internet for those individuals who are professionally or personally concerned with liberty-depriving methods - such as nurses, doctors, care unit managers, relatives, guardians, lawyers and judges, just to name a few.
7. We are currently constructing a new portal side „FeLS“ dedicated to restoring, maintaining, and preventing quality of life in elderlycare („FeLS“ = acronym for German “Freiheit erhalten, Lebensqualität sichern“). We are planning to present information concerning prevalence and quality of liberty-depriving methods and possible alternatives as well as legal information, literature and internet links.



## Conclusions

The way how we interact with and take care for our older fellow citizens is an important indicator for the degree of the humane quality of the community we live in.

The ability to work with people in need of care in a respectful way is a complex, difficult and demanding task that requires a large amount of knowledge, reflection, compassionateness and patience.

However, we believe that this goal can certainly be accomplished if all the people and professions involved in that task – for example relatives, nurses, physicians, judges and politicians - are willing to work together in a problem oriented manner.

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