

**MINISTRY OF SOCIAL DEVELOPMENT AND FAMILY SERVICES**  
**RESPONSES TO THE RECOMMENDATIONS OF THE JOINT SELECT**  
**COMMITTEE ON SOCIAL SERVICES AND PUBLIC ADMINISTRATION**  
**RE: EXAMINATION OF EXISTING ARRANGEMENTS AND POSSIBLE**  
**OPTIONS FOR REGULATING GERIATRIC CARE FACILITIES/**  
**OLD AGE HOMES**

**OBJECTIVE 1: TO ASSESS THE SYSTEMS IN PLACE TO REGULATE AND**  
**MONITOR GERIATRIC CARE FACILITIES/ OLD AGE HOMES IN TRINIDAD AND**  
**TOBAGO**

**4.28. A With reference to monitoring and evaluation of both government-funded and privately-owned Geriatric Care Facilities/Old Age Homes:**

- One meeting was held with the Division of Ageing (DOA) Inspector II and the MOH team in May 2017, towards collaborating and assuming a more proactive approach regarding oversight and monitoring of Homes in Trinidad, the outcome of which was that a DOA Inspector should accompany the MOH multi-disciplinary team when the latter inspects Homes, but the DOA Inspector's role must be one of observer only. The inspection form of the DOA was however more detailed to assess the standards of care meted out to residents.
- Discussions should be held with the MOH, MSDFS and the Regional Corporations to expand the role of the Corporations in the oversight and monitoring of Homes in Trinidad, since that function was outlined in the Municipal Corporations Act. The DOA comments on the Draft Local Government Reform Policy addressed this issue, to avoid duplicity of roles, but recognised the benefits of working more closely with the Corporations.
- In 2013, the former Ministry of the People and Social Development, through the DOA, engaged and collaborated with stakeholders, including the THA's Health and Social Services Division, in formulating a regulatory framework for the implementation of the Homes for Older Persons (HOP) legislation. The THA subsequently submitted its policy document which outlined its position on how Homes in Tobago should be monitored. Follow-up discussions are to be held with the stakeholders, which would include representatives of the regional corporations.

**B. Investigations should be undertaken by the relevant Ministries into unregistered Homes**

- In 2013, the DOA published an advertisement in the daily newspapers requesting all Homeowners to register their Homes (i.e., name of the Home and contact information) with the DOA in order to establish a database or register of Homes operating in Trinidad. Regular follow-up checks are conducted by the DOA Inspectors to ascertain whether some of the Homes listed were still in operation or had relocated, and the information is

corroborated with the MOH. A similar advertisement is to be published in 2018 to enlist new Homes and/or Homes which were not previously registered.

**C. As the enforcement of the HOP Act 2007 is in part dependent on the establishment of the Facility Review Team (FRT), we recommend that priority be placed on establishing this team. The timeframe should be guided by the Ministry's plans to have the HOP Act proclaimed by June 2017. The composition of the team should be carefully determined to ensure that it comprises a relevant and adequate combination of knowledge and skills.**

- The proposed timeframe for the HOP Act to be proclaimed by June 2017 was not met. However, in the interim, letters were written to the relevant Ministries to each nominate three or four persons who would serve on various teams, commensurate with the type of inspections requested/ required, as outlined in the legislation. The composition of the FRT is comprised of public officers with a variety of knowledge and skills sets, in accordance with the specifications listed in the HOP Act.

**D. Update on the progress the MSDFS has made with respect to:**

- vi. **Facility Review Team** - the establishment of the Team is proposed by December 2017
- vii. **The National Plan of Action on Ageing** - the formulation is proposed for FY 2018
- viii. **National Policy on Ageing for T&T** - the Policy is to be reviewed and revised in FY 2018
- ix. **Building Codes for Homes** - the Note is lodged with the Cabinet's F&GP Committee
- x. **Manuals/Handbooks for H/Owners** -30% of the Draft Manuals/Handbooks completed

**E. The establishment of a working committee comprising officials from the MOH and the MSDFS to monitor and track the 187 Geriatric Care Facilities/ Old Age Homes. And the development and implementation of a shared database comprising essential information on each Home should be considered.**

- Following the JSC's 2<sup>nd</sup> session with teams from both Ministries represented, the DOA Inspectorate and the MOH officials consolidated and exchanged data on the listing of existing Homes. The DOA Inspectorate also collaborates monthly with the (4) RHAs in Trinidad on Homes assessed/ inspected, to facilitate the placement of aged patients in the Community Care Programme.

**F. Regarding licence fees to be paid to the MOH – response by MOH**

**G. The MSDFS should actively seek to recruit persons for the positions of Inspectors I and II to boost the human resource capacity of the DOA Inspectorate.**

- The three (3) Inspectors II have been recruited and assumed duties in August 2017; while ten (10) of the Inspectors I assumed duties in July/August 2017, and the remaining two (2) Inspectors I are to assume duties in September 2017.

**OBJECTIVE 2: TO DETERMINE THE PREVALENCE OF CASES OF ABUSE AND NEGLIGENCE OF THE ELDERLY AT GERIATRIC CARE FACILITIES/ OLD AGE HOMES.**

**4.30 How is elderly abuse addressed by the MSDFS**

- A typographical error should read instead: “... the Division would usually receive on average 15 cases of elder abuse per month, the majority of which concern **persons living in domiciles in the community** and not Geriatric Care Facilities/ Old Age Homes.

**4.43 v.** Typo error should read: “30% of the investigations (or 47 out of **156**) initiated by the DOA....”

**A. The MSDFS should explore possible legislative amendments or policy changes to mandate that all cases of elder abuse be reported to the police.**

- This would be considered in the amendments to the HOP legislation.

**The MSDFS and MOH should undertake greater collaboration in dealing with reported cases of elder abuse in government-funded facilities, privately-owned geriatric facilities and at the community level.**

- At present, the DOA Inspectors collaborate with the RHAs to request the services of the District Health Visitors (DHVs) and Public Health Inspectors (PHIs) to accompany them on site visits to reported cases of elder abuse, following which reports are generated by the DHVs and PHIs and submitted to the DOA for a comprehensive report to be compiled and lodged in the DOA Inspectorate. It is proposed that the final report could be shared with the MOH.

**B. With regard to the addressing cases of elderly abuse and the prevention of future cases, the Committee recommends that both Ministries embark on a number of initiatives to address the occurrence of elderly abuse such as:**

- **The use of CCTV equipment in geriatric facilities to monitor activities and deter staff from committing acts of abuse against clients residing in these Homes - the installation**

of such equipment should be discreet and confined to the exterior of the building and to the dining and recreations areas in the interior, to protect the privacy rights of the residents.

- **Greater collaboration between the TTPS and both Ministries in addressing reports of elderly abuse** - the DOA received an invitation from the TTPS Academy to their inaugural sensitization workshop in July 2017 for key stakeholders, to foster greater collaboration with the various agencies in responding to cases which require the TTPS interventions. At present, the DOA Inspectors request the services of the Community Police to accompany them on site visits to cases of elder abuse, following which a report is generated by the police and submitted to the DOA Inspectorate to be included in the final comprehensive report for the DOA's records.
  - **The provision of proper training to managers and staff of Geriatric Homes in the reporting of elder abuse** - training for managers and staff in Homes in reporting elder abuse is one of the modules included in the draft Homeowners Manual, which was compiled by the DOA Inspectorate to form part of the HOP legislative requirements.
  - **The creation of the Elder Justice Roadmap, a document that outlines ways in which people and organizations can recognize, prevent and address elder abuse, together with the establishment of a dedicated hotline and other mechanisms to receive anonymous reports of abuse** – established in the DOA is the Older Persons Information Centre (OPIC), which serves as a referral facility and Help Desk, through which members of the public report cases of elder abuse via a toll-free number (800-OPIC (6742)), or walk-ins, or email at [opiccentre@gmail.com](mailto:opiccentre@gmail.com) and/or [divisionofageing@gmail.com](mailto:divisionofageing@gmail.com). Additionally, the DOA designed a commemorative brochure in observance of World Elder Abuse Awareness Day on June 15<sup>th</sup>, which highlights the various forms of elder abuse and their symptoms, and lists the agencies where the victims or relatives/ concerned members of the public could access for redress.  
Copies of the brochure are currently being distributed at the Ministry's Outreach project in the (41) constituencies, geared to educating and sensitizing the public on services provided by the MSDFS. It is proposed that copies of the brochure should be sent to the MOH regional health clinics/ centres as handouts for the general public.
- C. **The HOP Act and Regulations should allow the MSDFS to issue notices/orders to cease operations pending the completion of investigations or where an investigation has concluded that there was an intentional breach of the law by an operator of a Home.**
- This would be considered in the amendments to the HOP legislation.
- D. **Repeat offending Homes that continuously fail to meet requirements and also have recorded repeat occurrences of elderly abuse should be closed pending investigation. Before any such order is given, the MSDFS would need to implement the right contingency measure to ensure that displaced residents can be accommodated in an alternative facility.**

- At present, residents are removed by the DOA Inspectors from repeat offending Homes to alternative facilities, which would have been assessed/ inspected prior to the relocation of the residents. However, the said Home(s) should not be allowed to continue to operate. But closure of the offending Home(s) would have to be effected by the MOH under the existing Private Hospitals Act, pending the proclamation of the HOP legislation.

**OBJECTIVE 3: TO ASSESS THE EFFICIENCY OF EXISTING LEGISLATIVE FRAMEWORK RELATIVE TO GERIATRIC FACILITIES**

**A. Given the MSDFS’ plans to have the HOP Act operationalized by June 2017, it is recommended that the Ministry provide the Parliament with an update on the progress made in fulfilling this objective.**

- It is proposed that the HOP legislation could be proclaimed by December 2017, based on the following:
  - ✓ Ninety-five percent (95%) of the DOA Inspectorate and Secretariat have been appointed and have assumed duties – (2) additional Inspectors I are to assume duties in September 2017; (1) Research Officer is to be recruited; (1) Business Operations Assistant II is to be recruited; and (1) Business Operations Assistant I is to be recruited.
  - ✓ Accommodation has been provided for the newly-appointed staff in the DOA.
  - ✓ Requests were made for nominees to form the Facility Review Team (FRT) pool.
  - ✓ The Terms of Reference for the FRT and the four (4) outstanding Manuals are to be drafted by the (3) Inspectors II.

**Notwithstanding the intention to remove matters concerning Geriatric Homes from under the remit of the Private Hospitals Act, the MOH must collaborate closely with the MSDFS in setting and regulating standards of care provided to the elderly facilities in which such care is provided.**

- The MOH and the MSDFS through the DOA will continue to work closely in the areas of assessing and inspecting Homes, to reinforce the compliance of Homeowners with the legislative standards of care.

**B. Consideration should be given to modifying the HOP Act 2007 and/ or the HOP Regulations to include provisions that:**

- Empower the Ministry with responsibility for HOPs to inspect (without permission) any premises where the care and nursing services for older persons are provided without the necessary licence under the Act;**
- Prohibit the unauthorised disclosure of confidential information which is provided to a party as a result of the enforcement of the Act. In this regards, a suitable penalty should be imposed on a person found liable for such disclosure;**

- iii. **Stipulate various standards, rules and procedures which must be adhered to as a condition of the licensure and as a means of safeguarding the wellbeing of residents and staff at HOPs. These should include:**
  - a. **Protocols for admitting or enrolling persons into a Home;**
  - b. **Minimum standards of care that should be afforded to residents;**
  - c. **Guidelines concerning social contact and recreational activities;**
  - d. **Practising of religious beliefs;**
  - e. **Mechanisms for lodging and addressing complaints made against the Home;**
  - f. **Other conditions required for protecting and guaranteeing internationally recognised human rights, freedoms and liberties.**
- A legislative team of MOH and MSDFS officials would meet with the relevant AG's technical officers to scan the HOP Act and Regulations to determine the possible areas for amendments.
- C. **The application fees payable for a licence to establish a Geriatric Home should be reassessed urgently. Pending the proclamation of the HOP Act, a reassessment of the fees set out in the Third Schedule of the Private Hospitals Act should be conducted.**
- **Response by the MOH**
- D. **It is also recommended that the DOA be mandated to conduct periodic research into recent developments in international standards and practices in the area of geriatric care to ensure that our laws, policies and practices are aligned to HOP Act, international best practices.**
- This would also be addressed by the legislative team of MOH and MSDFS officials with the AG's technical officers.

**OBJECTIVE 4: TO DETERMINE WHETHER THERE IS A NEED FOR AN EXPANSION IN THE CAPACITY OF GERIATRIC CARE FACILITIES/ OLD AGE HOMES IN TRINIDAD**

- A. **Amendments should be made to the current legislation to codify the categorization of geriatric care facilities/ old age homes in Trinidad and Tobago. This classification should take into account clients with physical and mental disabilities.**
- This would also be addressed by the legislative team of MOH, which would include a technical officer from the St. Ann's Psychiatric Hospital, and MSDFS officials with the AG's technical officers.
- B. **Private/public partnership should be pursued to raise funds for decanting facilities for elderly persons who are socially displaced.**

- Discussions have begun between the MSDFS Executive and the Downtown Owners and Merchants Association (DOMA), to address the issue.
- C. Homes both in receipt of government subventions and privately-owned facilities should be properly assessed and evaluated in a timely manner to ensure that standards related to equipment and infrastructure are being adhered to. Furthermore, that frequent inspection and monitoring of Homes be undertaken to ensure that clients'/patients' needs are met.**
- This practice is currently conducted by the DOA Inspectorate on a monthly basis. However, given the additional manpower in the DOA Inspectorate, more Homes could be assessed simultaneously by additional teams of Inspectors, to ensure that the residents' quality of care is in compliance with the legislative standards.
- D. Staff employed at Geriatric Homes/ Facilities be mandated/ required to possess training in geriatric care, basic psychology and counselling and any other necessary forms of training as recommended by MOH.**
- This would also be addressed by the legislative team of MOH and MSDFS officials with the AG's technical officers.
- E. There should be greater collaboration between the MSDFS and the MOH, with regards to research and collection of data on the elderly population. In addition, a shared digital registry should be created to facilitate accurate collection and storage of data on the elderly population residing in Homes.**
- This would be addressed in the review and revision of the existing National Policy on Ageing in Trinidad and Tobago in which "Research" is already listed as one of the priority areas of action.
- F. The line Ministries should collaborate with a view to acquiring the assistance of Gerontologists and Geriatricians to provide expert advice on:**
- i. **The type of training staff employed or intended to be employed at the different categories of Homes should possess;**
  - ii. **The formulation of specific interventions directed at the elderly;**
  - iii. **Whether existing policy documents that guide or are intended to guide geriatric care in this country are aligned with international "best practice."**
- This would be addressed in the review and revision of the existing National Policy on Ageing in Trinidad and Tobago.

**The services of these specialist medical professionals can be sourced through joint-venture collaborations between the line Ministries and local/ foreign Universities. Foreign health care institutions willing to provide technical support (in-person or via distance-learning) should also be engaged.**

- At present, the Behavioural Sciences Department at The UWI at St. Augustine offers a 3-credit course in Social Gerontology over the past thirteen years, and discussions are being held to establish a minor degree program in Gerontology at UWI, given that T&T is an ageing population and there is a growing demand by Social Sciences students to include the Social Gerontology course being offered as an elective in their respective majors.

**G. Furthermore, the MOH should advise the Ministry of Public Administration and Communications on whether expertise in the area of Gerontology and Geriatric is a priority area for national human resource development. If considered a priority area, consideration should be given to the granting of scholarships.**

- Collaboration between the MOH and MSDFS officials could address the formulation of a proposal with the requisite justification and importance for this initiative since part of the DOA's mandate is to position T&T's ageing issue in all national development policies.