

Instructor's Guide

This Instructor's guide was developed to assist in facilitating the discussion which follows the video **Voices Speak Out Against Retaliation**. It was designed to bring focus to the topic of fear of retaliation in skill nursing facilities. It is intended to be conducted collaboratively with all department heads including, but not limited to the staff development coordinator.

Objectives –

The primary objective of this training is to acknowledge that Fear of Retaliation is a reality for individuals living in skill nursing facilities.

Additional objectives include:

- **For Staff** - Encourage staff to be conscious of how their behaviors and communications are perceived by others in any situation, for example: tone, body language, volume, etc.
- **For Residents** - Encourage residents to voice their concerns or fears and offer them possible resources to respond to their concerns, for example: Resident Council, Ombudsman Program, Social Worker or Recreational Department, Administrator, Director of Nursing or others.
- **For Visitors** - Encourage visitors to voice concerns immediately to the appropriate staff members.

45 minutes should be allotted to meet these objectives. This includes the pre-activity, viewing the video and the 30 minute discussion. We suggest that the trainer view the video and review each discussion question and possible responses prior to beginning the sessions.

This instructor's guide contains the following:

- History/Background including references to a UConn Center on Aging Study
- Definition of Retaliation and Fear of Retaliation developed by the workgroup
- Materials required
- Video Highlights
- Facilitation Tips
- Outline and Methodology
- Handouts

History/Background –

This training is one part of a project started in response to a concern brought forth at the Voices Forum in 2006. The Voices Forum, a statewide annual event, provides an opportunity for Resident Council Presidents, legislators and other public officials to interact and determine the most pressing challenges facing Connecticut nursing home residents. The VOICES forum has helped the Department of Social Services and the Ombudsman Program shape legislative and regulatory agendas on long term care issues.

In 2007, the UConn Center on Aging conducted a study which asked 150 people who live in various supportive housing situations, "Do you worry about retaliation if you were to report a complaint or concern?" Nearly one-fourth (23%) of nursing home residents surveyed indicated that they do fear retaliation if they were to report an incident of abuse or neglect. Fewer people in assisted living (13%) or in residential care homes (RCH) (19%) said that they worry about retaliation; instead, they more often reported that they didn't want to complain or didn't want to get people in trouble. Retaliation and the fear of retaliation is a reality in any supportive housing situation.

In addition to this survey question, several individuals completed in-depth interviews regarding retaliation and the fear of retaliation. Some instances of retaliation are egregious or highly visible, but others are more subtle. Many forms of retaliation may not even be recognized by residents or staff. The study found that worry about potential retaliation was just as fearsome for some individuals as the experience of retaliation itself. Individuals who felt conflicted about whether or not to report retaliation reported feelings of hopelessness and despair. The Connecticut Long-Term Care Ombudsman Program and the "Fear of Retaliation Workgroup" continue to provide information on residents' rights to address retaliation and the fear that accompanies this phenomenon. This study is included in this DVD as well as other important references: **Connecticut Bill of Rights for Nursing Home Residents** and **Best Practices to Ensure Rights are Protected**.

Additional resources are also available through the following websites: Connecticut's Long Term Care Ombudsman Program (www.ct.gov/ltcop), Centers for Medicaid and Medicare Services (www.cms.gov) and Medicare Compare at www.Medicare.gov - refer to *Nursing Home Compare*.

The workgroup has defined Retaliation and the Fear of Retaliation:

- **Retaliation is an actual or perceived negative reaction of a person as a result of another person's action or behavior**
- **Fear of Retaliation is a concern or feeling of vulnerability that one's actions may cause retaliation by another**

Materials required –

- Video Monitor or Laptop with DVD and sound capabilities
- Video – **Voices Speak Out Against Retaliation**. Note - *This video is equipped with both Spanish and English subtitles*. The video is set to display the English subtitles but they may be turned off or changed if needed.
- Video Projector if needed
- Easels with Open Chart Pad and Markers
- 2 Handouts
 - Handout 1 – Pre-Activity
 - Handout 2 – Video Discussion Questions (with Trainer Copies)

Video Highlights -

The names of five residents who had the courage to speak on the video include Helen, Kramer, Mary, Rich and Ronnie. For your reference, the video is set up into 4 chapters –

1. What is Retaliation or Fear of Retaliation?
2. What is it like to be a resident
3. Examples of Retaliation or Fear of Retaliation
4. Actions to take

Facilitation Tips -

The short discussion method used after viewing the video offers the participants the opportunity to contribute and also checks a participant's knowledge of the topic.

Some tips to consider:

- Review the discussion objectives at the start of the session to orient participants to the nature of the discussion.
- Establish a ground rule at the start of the session that everyone participates — that it's important to hear everyone's ideas and opinions.
- Redirect off-the-point comments or discussions — indicate that the person's comment is interesting and that there may be others in the group who would like to discuss it on a break. Then return to the topic at hand.
- Acknowledge contributions by thanking the person or by indicating in other ways that the contribution is helpful (e.g., "Very interesting..." or "That should improve the..." or "that's a new way of looking at the problem").

Outline and Methodology -

- Distribute **Handout 1 – Pre-activity** worksheet to each participant when all participants are in attendance. Ask participants to answer the questions - do not collect nor initiate any discussion – but explain we will discuss them at the end of this session. Allow 1 to 2 minutes for completion.
- Welcome and offer any necessary introductions
- Show video. (15 minutes)
- Distribute **(You may distribute before or after showing video) Handout 2 - Video Discussion Questions 1 & 2** Allow the participants approximately 10 minutes to answer the questions. *(Option – divide participants into small groups (3 to 5) to discuss each question; answers should be recorded)*
- After allotted time frame, have the participants share their individual or small group responses with the larger group and record on an open chart pad. Trainer may offer any additional responses if not presented by group. Refer to Trainer Copy **Handout 2 - Video Discussion Questions 1 & 2**.
- If time permits ask the group the additional questions.
- Summarize responses:
 - Highlight any common themes or critical areas.
 - Review the list and ask the group what they feel should be the first action steps to take.
 - Provide the participant with guidance on current facility protocols to deal with any retaliation:
 - Grievances may be voiced without fear of discrimination or reprisal. The resolution of these grievances will be made promptly.
 - Residents shall have access to survey results and a plan of correction. These will be posted in a readily accessible place.
 - Residents may contact client advocate agencies and receive information from them.
 - Note: not all questions or answers will be expressed during the training session; point out some possible avenues for the participants to address any concerns in a confidential manner outside of the session; for example, they can speak directly to a person they feel comfortable with.
- **Wrap up by thanking the participants for their contributions and stating that it is important to know that the discussion continues – retaliation and the fear of retaliation are real. Be aware that the more you speak about retaliation, the less unmentionable this topic becomes. You can make people comfortable by talking about this topic which will ultimately help to diminish and overcome the fear of retaliation.**
- Final remark - ask the group to recall the questions that they answered prior to viewing the video - would any of your answers change now?? *Note – this is a rhetorical question – don't expect an answer.*

Handout 1 – Pre-Activity

Think about it... Circle Yes or No to the following questions:

Do you think fear of retaliation exists in skilled nursing facilities?	Yes	No
Do you think it is true that almost 25% of nursing home residents in a recent study indicated that they do fear retaliation if they were to report an incident of abuse or neglect.	Yes	No
Is being fearful of retaliation just a part of life?	Yes	No
Has someone ever told you they were afraid to report a complaint?	Yes	No
Do you think you can do anything to diminish or help overcome this fear?	Yes	No

Question #1 - In the video, when speaking about Fear of Retaliation, what did the residents tell you?

Possible answers might include:

From a resident's perspective, when living in a skilled nursing facility - losses could include:

- Identity
- Independence
- Family time
- Control
- Freedom
- Choice
- Known or unknown consequence
- ***Others losses?***

The residents identified that retaliation has many forms, including some of the following:

- Call bells not answered
- Dinner tray coming last
- Difficulty getting medications when needed
- Bathroom usage
- Withholding food and water
- General lack of attentiveness
- Sometimes it is like bullying
- ***Others forms?***

The residents identified actions to take when confronted with retaliation, including some of the following:

- Speak out – address your concerns
- Talk to your friends, family or visitors for support
- Attend Resident Council and bring up issues there
- Identify supportive staff members- Social Worker, Recreation, Administrator, Director of Nursing or anyone in the building you feel safe discussing concerns with.
- Ombudsman Program
- It helps everyone when a problem is resolved.
- ***Others actions?***

Additional Questions to further lead the discussion include:

- **Is *retaliation* (or the perception of or *fear of retaliation*) a violation of resident's rights?**
- **What is the difference between retaliation and perceived retaliation? Is there a difference?**
- **Who is affected by Fear of Retaliation?**
- **(For staff and visitors) When caring for a resident how do you get to know them as a resident, what is important to the resident and who the resident is as an individual?**
- **(For staff only.) Do you think any resident sees you as a threat?**

For more information about the video or the training materials contact
Connecticut Long Term Care Ombudsman Program

1-866-388-1888

For Question # 2 - What can you do in your role to diminish and/or overcome Fear of Retaliation?

Possible answers might include:

As a member of the workforce in a nursing home facility, my role to diminish and/or overcome fear of retaliation would be to do the following:

- Be self aware - Stop and think about what you are saying and how you are saying it
- Listen to the individual about their care
- Getting to know the resident for who they are now as well as who they were
- Create an atmosphere that encourages open communication
- Acknowledge that losses may exist for residents
- Be sensitive that you are working in the resident's home
- Introduce yourself at each opportunity
- Explain to each resident each step in each care process
- Other actions?

As a resident living in a nursing home facility, my role to diminish and/or overcome fear of retaliation would be to do the following:

- Speak out about any forms of retaliation encountered by yourself or others
- Provide individuals with information about resident council
- Be aware of State and Local advocacy groups listed on your bulletin boards
- Other actions?

As a visitor to nursing home facility, my role to diminish and/or overcome fear of retaliation would be the following:

- Speak out about any forms of retaliation encountered by yourself or others
- Be able to identify the administration contacts in order to address any concerns
- Initiate or become a member of the Family Council
- Other actions?

Additional Questions to further lead the discussion include:

- What is your organizations policy on retaliation? How does your organization communicate the consequences of retaliation to staff?
- Who could you bring concerns of Retaliation to?
- (Staff) Do you know the individual wants of the residents you care for?
- (For Administrators/Supervisors) How do you communicate the consequences to a staff member involved in a situation where there is substantiated evidence that he or she has created or contributed to an environment where a resident fears retaliation?

Handout 2 - Video Discussion Questions

Questions

1 - In the video, when speaking about Fear of Retaliation, what did the residents tell you?

2 - What can you do in your role to diminish and/or overcome Fear of Retaliation?