23 November 2020

Community Affairs Legislation Committee
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FECCA Submission – Inquiry into the Aged Care Amendment (Aged Care Recipient Classification) Bill 2020

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA has over 20 member organisations that cover each State and Territory and are deeply linked to diverse communities across Australia's major cities and country towns.

FECCA has had a longstanding presence in policy and advocacy on ageing and aged care systemic issues for CALD Australians. As the leading stakeholder in CALD ageing and aged care policy, FECCA is represented on the Aged Care Sector Committee and its Diversity Sub-Group and has worked collaboratively with the Department of Health in developing and implementing the new Diversity Framework and associated Action Plans.

FECCA thanks the Community Affairs Legislation Committee for the opportunity to provide feedback on *Aged Care Amendment (Aged Care Recipient Classification) Bill 2020*.

Recommendations

1. Ensure the final recommendations of the Royal Commission into Aged Care Quality and Safety, relevant to the Australian National Aged Care Classification, be adopted.
2. Embed greater transparency and disclosure in all aspects of section 29C-8 or the use of an algorithm to classify care recipients.
3. Ensure aged care assessments of CALD older persons are guided by a Diversity Advisor who will be involved in ensuring training of assessors, CALD or otherwise, includes cultural competency, cultural safety and trauma-informed approaches.

The new classification model

FECCA supports reforms to build an accurate classification (including re-classification) of care recipients to better target their care needs. The Australian National Aged Care Classification (AN-ACC) has a resident classification that is simpler and appears more accurate than the Aged Care Funding Instrument.

The AN-ACC considers the "activity" of the approved provider at a given time, and the 'casemix' of that activity. The model is based on assessment of needs and classification of individuals to one of a number of funding categories, each of which reflects the costs of caring for a person classified to that level of need. [1]

Recent research has shown that the AN-ACC enables the community, care providers, and governments to make meaningful judgements about the quality and outcomes of residential aged care and to fairly compare the quality of care provided at different facilities. [2]

However, the Bill needs to consider the final recommendations of the Royal Commission into Aged Care Quality and Safety (Royal Commission) new system, relevant to the AN-ACC.

Concerns with an algorithm-based, automated system

FECCA is concerned that the AN-ACC algorithm (section 29C-8) used to classify care recipients remains unclear on how scores from the assessment tool result in particular classifications. While it can help optimise management and administration, the recent Robodebt case served a fair warning of how algorithm-based and automated decision-making processes can fail in human services. Redressing such errors have taken time which older people, especially the most vulnerable, should not be subjected to.

FECCA asks that there be more transparency and disclosure in all aspects of this section.

Embedding a Diversity Advisor in the assessment system

According to Minister's second reading speech, all assessors acting as delegates of the Secretary must meet "strict professional qualification and additional training criteria, to be detailed in subordinate legislation". [3] FECCA recommends that wherever possible, the Bill should ensure aged care assessments of CALD older persons are guided by a Diversity Advisor who will be involved in ensuring training of assessors, CALD or otherwise, includes cultural competency, cultural safety and trauma-informed approaches.

FECCA and its stakeholders believe that the role of Diversity Advisor is critical as it optimises the aged care sector's understanding of inclusiveness and inclusivity in embracing special needs of different care recipients and often, the intersectionality among the diverse needs groups. This strongly aligns with Recommendation 12 of the Counsel Assisting's Proposed Recommendations at the Royal Commission's Final Hearing upholding an older person's right to autonomy and self-determination and to support this, the critical need for multidisciplinary assessment teams. [4]

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[1] https://agedcare.royalcommission.gov.au/hearings-and-workshops/final-hearing, accessed 16 November 2020.
[2] Eagar, Kathy, Rob Gordon, Milena F Snoek, Carol Loggie, Anita Westera, Peter David Samsa and Conrad Kobel, Med J Aust 2020; 213 (8): 359-363.
[3] https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansardr%2F9e0d09c5-3d23-44af-b6af-d28a2aeef43f%2F0009%22, accessed 17 November 2020.
[4] https://agedcare.royalcommission.gov.au/media/29105, accessed 17 November 2020.

We look forward to being involved and offering our support in the finalisation of this amendment. If you wish to discuss any aspect of this submission further, please do not hesitate to contact us.

Yours sincerely,

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