



12 August 2022

Committee Secretary  
Senate Standing Committee on Community Affairs  
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### **Inquiry into the provisions of the Aged Care Amendment (Implementing Care Reform) Bill 2022**

Thank you for the opportunity to comment on the Aged Care Act amendment legislation under consideration by the Senate.

#### **About Uniting NSW.ACT**

Uniting NSW.ACT is the service and advocacy agency of the Uniting Church in NSW and the ACT. We provide innovative and person-centred services to almost 120,000 people a year, supporting vulnerable children, young people and families, early learning, aged care, and people with a disability.

We are the largest provider of aged care services in NSW and the ACT, last year caring for 7,200 people in our 60 residential aged care facilities, providing 9,600 with home and community care and accommodating almost 3,000 in our independent living units. Our aged care facilities are located across the State and the ACT, with residential aged care and/or home care services from the far North Coast, down to Eden, and as far west as Broken Hill.

#### **Overview Comments**

Uniting NSW.ACT supports the Government's intention to respond to the Aged Care Royal Commission's recommendations and reshape Australia's aged care system to ensure it treats older Australians with dignity and that they receive the right mix of care and support, at the right time, in the setting they choose.

As with any major sectoral reform, we believe that the best results are achieved through wide consultation and co-design with the community, residents and clients, their families, staff and

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the aged care industry. This will ensure that changes meet the needs and expectations of stakeholders, can be effectively implemented, and optimise outcomes.

In this regard, the Aged Care Amendment Bill proposes wide ranging powers, in particular relating to information disclosure, and we would wish to ensure that all relevant stakeholders are extensively consulted in the exercise of these powers.

#### Amendments relating to Registered Nurses

Uniting provided a substantive submission to the NSW Parliamentary Select Committee Inquiry on the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020:

<https://www.parliament.nsw.gov.au/lcdocs/submissions/70457/0012%20Uniting%20NSW.ACT.pdf>

In this submission, we agreed that registered nurses are integral to the provision of care in residential aged services and provide a high level of clinical expertise to residents. However, we also noted that they are a precious resource and should be allocated effectively at the right time and the right place to best support those residents with high or complex clinical care needs.

We also observed that different residents' needs within the RAC portfolio require different operating models. The onsite presence of a single registered nurse does not guarantee safe, quality care - that comes from appropriate staffing, developed by the provider using a multi-disciplinary approach with strong care management and care co-ordination, combined with effective, comprehensive care systems and support.

We believe that the allocation of a 24/7 registered nurse and/or the 40mins/day/resident to traditionally low care homes as required under the Australian National Aged Care Classification (AN-ACC) model is a misallocation of precious resources. Currently there is little difference between the registered nurse time allocated to a AN-ACC assessed high care resident and one assessed as having lower care needs. It would be better in our view to have distinctly higher allocations of registered nurse time to high care places assessed under AN-ACC with far lower allocations to lower care places. As an illustration, the combination of the 24/7 and minimum registered nurse minute requirements will likely see a registered nurse on shift at night in many services with predominantly low care assessed residents. They will be undertaking the tasks of a care services employee when it comes to any resident care and be on standby for any clinical concern - noting most in our care in these services are asleep at night. Remote registered nurse support as we have in Uniting for our standalone, traditionally low care services seems a far better utilisation of the registered nurse workforce.

Nonetheless, we acknowledge the Government's decision to mandate registered nurses in all residential aged care and will work to ensure these requirements and any exemptions offered are implemented effectively.

The important issue here is one of implementation. The sector simply cannot source the required number of registered nurses in the short term to meet this staffing requirement, particularly in regional areas.

Uniting NSW.ACT has a current registered nurse workforce of approximately 600 across its 60 homes. Achieving 24/7 coverage will require an increase in registered nurse head count



numbers of 118. However, when combined with the recent changes to minimum care minutes, which require an average of 40 minutes per day care time per resident by registered nurses, this will take the total increase in registered nurse head count staff required to 330 – around a 50% increase. Across the whole sector estimates we have seen suggest there is a need of approximately 14,000 registered nurses, and that is just to fill the requirements in aged care, noting nurses are needed in growing health and disability sectors as well.

Workforce development and attracting new skilled staff to the sector will be essential to achieve this growth in staffing numbers. Additionally, tailored measures will be needed in regional and remote areas where current shortages of registered nurses are acute. In addition to a robust workforce plan implemented over years, meeting the registered nurse requirements will require a more flexible approach to meeting the mandates, through technological solutions such as remote nurses to provide telephone support, advice, and follow-up services to residents in regional facilities.

#### Amendments relating to capping home care charges

Home and community care services will become increasingly significant in supporting older Australians to access support of their choosing in the location that they wish. A reformed aged care system should operate as one where people receive early and ongoing support to avoid or minimise the need for greater intervention and, when care needs rise, there should be sufficient supply of home care so people can easily and quickly access care in their home or other innovative models of care. This would all be underpinned by a residential aged care system that is increasingly focussed on providing care for those with complex behavioural problems and palliative care.

Uniting supports the proposed amendments to prevent aged care providers from charging exit fees. We do not believe that exit fees support the best interests of consumers, both reducing the value of services available to them, and acting as a barrier to consumer choice.

We also support in-principle the proposal to cap charges that home care providers may charge consumers. This will, however, require a period of phased implementation to allow providers to adapt their service delivery and fee approach to the new standardised fee structure. Uniting suggests that a two-year phased implementation would facilitate this transition.

#### Amendments relating to transparency of information

Uniting NSW.ACT has consistently identified in its submissions to the Royal Commission that greater transparency will support consumer choice, allowing individuals and their families to make the best choices for themselves, as well as driving innovation and best-practice in the sector.

Services should be designed to improve consumers' quality of life and wellbeing, in addition to being safe, consistent and high quality. Consumers need to be provided with information on quality that enables them to make decisions around their care and support. We believe that a focus on indicators of health and wellbeing will also drive more providers to consider how the care and support they provide benefits residents' lives.

Further disclosure of this information makes providers more accountable, in terms of the differences they make every day. Disclosure will enable consumers to factor it into their choices, particularly around how they would like to live their best life.



The proposed amendments to the Aged Care Act create very open-ended powers for government to collect data and information from providers. Uniting strongly considers that the establishment of a reporting and data collection framework within this regime must be done in close consultation with users of services and the sector.

The suite of reporting measures must balance the rights of consumers and benefits to be gained from a high degree of transparency, with ensuring that the data that is being collected is meaningful and enables purposeful consumer choices. It must also not be overly burdensome for the sector to collect and report.

We would be pleased to discuss any aspect of this submission, or the proposed legislation, with the Standing Committee in further detail. |

Yours sincerely

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Uniting NSW.ACT