

9 May 2024

Aged Care Quality and Safety Commission
engagement@agedcarequality.gov.au

To whom it may concern,

RE: Strengthened Aged Care Quality Standards guidance consultation

The Aged and Community Care Providers Association (ACCPA) appreciates the opportunity to provide feedback on the draft guidance for the strengthened aged care quality standards.

ACCPA is the national Industry Association for 1,100 aged care providers who offer retirement living, seniors housing, residential care, home care, community care and related services. We work to unite aged care providers under a shared vision to enhance the wellbeing of older Australians through a high performing, trusted and sustainable aged care sector.

ACCPA welcomes the Aged Care Quality and Safety Commission's (the Commission's) extensive engagement with the aged care sector on the strengthened standards to date, including the Strengthened Quality Standards pilot. We also recognise the significant amount of work which has gone into preparing the suite of guidance resources which are currently being consulted on.

ACCPA's high level feedback on these resources is provided below, while further comments can be found in the table at Appendix A. We believe the resources will be helpful for providers and workers to both understand and implement the strengthened standards. We also believe that there should be active consideration regarding their suitability for the diversity of aged care providers, and their accessibility for aged care workers. In addition to appropriate resources, confirmation and clear communication of implementation dates, alongside adequate transition time, will also be critical to successful implementation of the strengthened standards.

Recommendation 1: That the strengthened standards and the associated guidance be improved so that they are appropriate for both residential and home care contexts.

ACCPA members have expressed concern that the strengthened standards and their guidance is strongly aligned to the residential aged care context, despite the fact that both residential and home care providers will be required to adhere to some of the standards. A range of examples are discussed in Appendix A.

Having separate guidance documents for the residential and home care contexts would make it easier for readers to identify the content which is relevant to their organisation and role, as well as allowing the guidance to be more tailored to the specific service type.

Alternatively, a 'Service context considerations' column could be included in the guidance documents for each of the standards home care providers will be required to comply with (rather than just including it in the guidance for standard 5).

We would be pleased to assist the Commission in identifying different types of home care providers for potential use in scenarios or examples.

Recommendation 2: That the standards and guidance materials are reviewed to ensure that they enable and encourage providers to support older people to exercise dignity of risk.

The standards and guidance materials should enable providers to support older people to exercise choice. As discussed further in Appendix A, the infantilisation of older people needs to be avoided and choice must be actively considered when developing and applying standards in the aged care setting. This is particularly important in the aged care context, given that such services are delivered in older people's homes and in their daily lives.

Recommendation 3: That formatting changes are made to ensure the guidance resources are more reader friendly.

We also recommend changes to the format of the strengthened standards guidance documents to make them more reader friendly, as outlined in greater detail in Appendix A. These changes include presenting tables in a landscape format to improve readability and use of hyperlinks to the glossary for words or terms which have been defined. We also recommend using shading in the tables to more clearly show which actions and associated activities are for governing bodies, provider organisations and workers respectively.

Recommendation 4: That guidance materials are drafted to be clear and succinct, and be available in different formats.

While it is important that sufficient detail is included to help providers understand and implement the standards, the resources need to be appropriate for the target audience. It should be remembered that with the current workforce shortages and extensive reform agenda impacting the sector, aged care workers in Australia are already time poor. It is also worth noting a significant proportion of the aged care workforce in Australia is culturally and linguistically diverse and resources need to be simple to read.

ACCPA recommends that the Commission review the guidance documents to ensure Plain English is used throughout. Translated versions should also be made available for people for whom English is a second language.

The Commission should also consider making information about the strengthened standards available in different formats, such as PowerPoint presentations which can be used for staff training and/or short videos about each standard.

Recommendation 5:

- (a) That Government allow sufficient transition time and support, including additional funding, as this will be important for successful implementation of a range of reforms including the strengthened Standards.**
- (b) That the Commission recognise and acknowledge influencing factors, including the magnitude of reform associated with the new Aged Care Act and financial sustainability of the sector, in any compliance approach with respect to the strengthened Standards.**

It is essential that providers are given adequate time to prepare for the transition to the new strengthened standards. ACCPA is concerned that the strengthened standards are still only in a 'final draft' stage and that providers are yet to be informed when they will commence.

These factors significantly limit providers' ability to plan for their introduction. For example, they are unable to share final copies of the standards or information about when they will commence to staff, older people and/or their representatives. Similarly, without further information about the requirements in relation to care statements (e.g. how frequently they must be produced, what

format they should be in, what information they must include), providers are unable to prepare for their introduction.

In recognition of these challenges, in ACCPA's submission on the exposure draft of the new Aged Care Act, we recommended that the new requirements for providers under the new Aged Care Act should commence at least 6 to 12 months from the time at which all information is available (including the finalised Act as passed by Parliament, Rules, guidance and education materials).¹

ACCPA members also report that implementing the strengthened standards is likely to require the rollout of staff training at significant cost. One provider has estimated that all employees will require at least eight hours of training, while additional training will be required for nursing and management staff.

Given the magnitude of reform associated with the new Aged Care Act and financial viability challenges the aged care sector is experiencing, the Government should consider providing funding to support providers to deliver training to their staff on the strengthened standards.

We also welcome the Commission's recognition of this in its role with respect to compliance on the Standards from any commencement date, for example through a Regulatory Bulletin that clearly acknowledges its proportionate approach in this context.

Recommendation 6: That a shared understanding of the standards is critical to an effective audit program.

It is important the Commission staff who will be assessing providers' conformance with the strengthened standards have a clear, shared understanding of the standards and how to assess conformance with them.

ACCPA members have expressed concern that without adequate training and guidance, there is a risk that individual auditors will continue to interpret the standards differently and consequently the audit process will not be consistent in practice – as is currently the case. The Commission should put measures in place to mitigate this risk and communicate these to the sector to increase confidence in the audit process. This might include publishing audit training materials to ensure transparency and understanding between the Commission and the sector.

Thank you again for the opportunity to contribute to the consultation on the draft guidance for the strengthened aged care quality standards. If you have any questions or would like to discuss this submission, please contact Anne Liddell, Head of Policy at anne.liddell@accpa.asn.au.

Yours sincerely

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¹ Aged and Community Care Providers Association, 2024. *Submission on the exposure draft of the new Aged Care Act*, [ACCPA-submission-on-the-exposure-draft-of-the-new-Aged-Care-Act-February-2024.pdf](#)