

OPAN Response to Draft Aged Care Quality Standards Consultation Paper 2017

21 April 2017

Do the consumer outcomes in the draft standards reflect the matters that are most important to consumers?

Yes, mostly

Suggestions about improving consumer outcomes:

OPAN considers the increased emphasis on the consumer experience as a positive change and welcomes the addition of a Statement of Outcome for the Consumer.

OPAN notes that many of draft Consumer Outcomes are very broad and should be strengthened to ensure the scope of each standard is clear. OPAN maintains that if the quality process is to achieve meaningful engagement with consumers, the consumer must understand the full extent of the Standards and how they are applied.

OPAN offers further suggestions on how the Consumer Outcomes could be strengthened in responses to questions 16-23.

Are the organisation statements and requirements in the draft standards achievable for providers?

Yes, mostly

Suggestions regarding organisational statements and if the requirements are achievable:

OPAN acknowledges that the department has tried to minimise duplication between the standards and have indicated that the standards should not be read or applied in isolation of each other. OPAN understands the intent behind this, but is concerned about how this will be understood and applied in practice.

This approach relies on the ability of organisations and individuals to read between the lines and ascertain how the standards interrelate. This could potentially lead to gaps in the application and assessment of the standards.

OPAN recommends that essential consumer rights such as choice, privacy, diversity and access to advocacy should be reinforced in all relevant standards so that expectations are clearly understood by organisations.

OPAN also suggests that a detailed user manual be developed for organisations providing examples of best practices and processes associated with the standards.

OPAN has provided further feedback about the organisation statements and requirements in questions 16-23.

Are the draft standards measurable?

Yes, always

Suggestions about the draft standards and their measurability:

OPAN suggests the standards require a mix of quantitative and qualitative performance measures. With an enhanced focus on consumer outcomes and consumer participation, OPAN believes it essential that consumers play a key role in the provision of qualitative data. The feedback of consumers, if collected in an appropriate way, should be highly weighted in the measurement process.

OPAN provides suggestions on how consumer engagement can be strengthened in question 11 of the Options Paper 2017.

Are there any gaps in the draft standards? If so, what are they?

Yes

Comments on gaps in the draft standards:

OPAN believes that the current draft Standards lack a rights focus. OPAN acknowledges that the Department has intentionally avoided replicating concepts that exist in common law or other legislation. OPAN agrees that this approach is appropriate in reducing duplication in highly regulated areas such as fire or food safety but maintains that relevant rights based legislation such as the Charter of Care Recipients Rights and Responsibilities should be referenced and reinforced throughout the standards.

Is the wording and the intent of the draft standards clear?

Yes, sometimes

Suggestions about how wording and intent could be improved:

The intent of the standards is not always clear. For example, draft Standard 4 - Delivering lifestyle services and supports does not clearly indicate in the consumer outcome, organisation statement or the requirements section that the standards apply to food services, domestic assistance or laundry services. This is only indicated in the rationale/evidence section. OPAN suggests that the inclusion of a Scope of Standard could assist in detailing the service types the standards apply to.

OPAN is concerned that the reader needs to continuously cross reference the consumer outcomes, organisational statements and requirements and the rationale and evidence sections to fully understand the intent of the Standard and how it is applied.

OPAN recommends that more detail be provided in the requirements section so that the expectations are clear to all parties involved.

Are any draft standards or requirements NOT relevant to the following services? If so, please provide details below. Please state why standard is not relevant.

OPAN has not identified any draft standards or requirements that are not relevant to the above mentioned services.

Do you have any specific suggestions in relation to draft Standard 1: Consumer dignity, autonomy and choice? If so, what are they?

OPAN suggests the following with regards to draft Standard 1:

- Edit the Consumer Outcome as follows: "I am treated with dignity and respect, and can maintain my identity. I can make informed choices about my care and services and how they

support me to live the life I choose”. The inclusion of the word “informed” reflects the organisations requirement to provide consumers with information.

- Reorder the wording in requirement 1.4 as follows “Assist the consumer to live the way they choose including where a consumer’s choices involve risk to their health and/or safety, they are supported to understand the risks, the potential consequences to themselves and others, and how varying degrees of risk can be managed to assist the consumer to live the way they choose”. This edit shifts the focus so that the management of risk it becomes a way to assist consumers to live the way they choose rather than an end in itself.

- Edit requirement 1.5 as follows:

“Information provided to consumers:

a) Is current, accurate, transparent and is effectively communicated to the consumer in a format appropriate to their needs.

b) Is timely and supports them to understand and exercise their rights, including choice.

The inclusion of the word “transparent” has been suggested as OPAN considers it essential that important information provided to consumers (i.e. client/resident agreements, statements etc.) clearly presents all relevant information with no hidden clauses, conditions or expenses.

The suggested edit “in a format appropriate to their needs” recognises that communication should also be respectful of diverse needs associated with culture or sexual orientation for example.

The Quality Review Handbook for the National Aboriginal and Torres Strait Islander Flexible Aged Care Program (2015, pg. 11) uses language similar to what has been suggested by OPAN, when referring to standards around the provision of information - “information is provided in a format appropriate to their needs and communicated in a way that is culturally acceptable to each service user”.

The suggested wording “to understand and exercise their rights” recognises that care recipient’s rights underpin the main concepts promoted in this standard.

Consumers must be aware of the full extent of their rights when exercising choice. For example, a residential care consumer may not choose to request support to participate in a religious or cultural event outside of the facility if they are not aware of their right to

- continue their cultural and religious practices
- be involved in the activities, associations and friendships of his or her choice, both within and outside the residential care service.

Advocacy plays a very important role in informing consumers about their rights. In 2015/16 OPAN delivered education on care recipient rights to some 25,000 aged care consumers. This figure could increase significantly if the standards required organisations to provide consumers with information about their rights and responsibilities. There are currently a number of aged care services across the nation that will not allow OPAN to deliver education on rights and responsibilities to their consumers.

OPAN strongly recommends that the provision of information on the Charter of Care Recipient Rights and Responsibilities be included as a requirement under Standard 1.5.

- OPAN suggests that there should be a reference to advocacy under the requirements of Standard 1.

OPAN believes that without advocacy concepts such as choice, respect and dignity remain just that, concepts. Advocacy is the tool which can be used to make these concepts a reality for many vulnerable consumers and thus should be specifically mentioned.

- OPAN suggests that the information provided in the rationale and evidence section of this standard adopt a right based approach. For example, the last paragraph on page 16 discusses how consumers will not always be able to exercise unfettered choice and then provides an example about playing the TV at a loud volume in a shared area. This could be reframed with a rights focus, by editing the wording as follows "in the exercise of rights we need to be aware of our responsibility to others to ensure that other people's rights are not adversely impacted".
- OPAN also suggests that further elaboration regarding the management of risk needs to be provided in the rational and evidence sections of this standard. This information should highlight that the elimination of all risk can negatively impact on a person's life. Duty of care is important but what is more important is ensuring that there is the dignity of risk and the right of all older people to enjoy their lives including their basic human rights. In mitigating risk organisations need to be mindful that they are cognisant of the adverse impact that this may have on the rights of the older person and do everything they can to ensure that that impact is minimised to the greatest extent possible.

Do you have any specific suggestions in relation to draft Standard 2: Ongoing assessment and planning with consumers? If so, what are they?

OPAN notes that Standard 2.2 of the current Home Care Standards and Standard 1 of National Aboriginal and Torres Strait Islander Flexible Aged Care Program requires organisations to consider consumer's cultural needs in assessments and care planning.

NATSI FACP Expected outcome 1.2 for example states that care planning "will include a cultural support plan which describes how assessed needs and service user preferences will be met in a culturally safe way. The care/cultural support plan includes strategies to maintain privacy and dignity, individual interests, customs and beliefs, independence and family connectedness, at the choice of the service user." OPAN believes this type of statement about cultural considerations needs to be included as a requirement in draft Standard 2. This type of statement has the potential to ensure that consideration is given to the diverse needs of consumers representing all of the special needs groups. The draft Standard 1 requirement that organisations demonstrate respect for culture and diversity will not ensure the delivery of culturally appropriate and safe services. Organisations need to understand the culture and diverse needs of a consumer in order to demonstrate adequate respect towards them. The development of understanding should begin at the initial assessment and be fostered through ongoing reviews.

OPAN also notes that Requirement 2.2 (g) suggests that a copy of the care plan should be provided to the consumer when requested. It is current practice, particularly in the community, for the consumer to receive and keep a copy of the care plan in their home. The use of the

wording “if requested” in this requirement may encourage organisations to cease this practice, which is of great benefit to the consumer and their carers and/or representatives.

Do you have any specific suggestions in relation to draft Standard 3: Delivering personal care and/or clinical care? If so, what are they?

OPAN suggests the following with regards to draft Standard 3:

- Edit the Organisation statement as follows: Personal care and clinical care services are delivered in accordance with the consumer’s need and preferences to optimise health and wellbeing.
- Requirement 3.6 should be expanded to ensure that critical information about the consumer’s condition and needs should also be communicated with the consumer and their representatives. This aligns with the consumers right (under the Charter of Care Recipients Rights and Responsibilities) to full information about his or her own state of health and about available treatments.
- Requirement 3.5 should be moved to Standard 2. Referral should be applicable to all service types not just personal or clinical care and is generally most likely to occur at an assessment or through the monitoring/review of care plan. This requirement should also be expanded to include support to access other services.
- Edit requirement 3.7 as follows: “Timely identification and management of high impact or high prevalence risks.” In OPAN’s experience high impact/prevalence risks such as pressure sores or malnutrition reach crisis point because they are not identified and responded to in a timely manner. OPAN also suggests this standard should also encourage consideration of other types of risk such as those associated with mental health.
- OPAN also considers it important that guidelines supporting this requirement ensure that the organisation seeks the views and wishes of the consumer and their representatives when managing risk. For example, organisations often place some consumers onto minced moist diets without any real medical advice suggesting a risk of choking. OPAN suggests that in line with the concepts promoted in draft Standard 1, Consumers and their carer/representatives should be supported to exercise their right to take risk with consideration given to risk factors vs quality of life.
- OPAN notes that the current Accreditation Standards for residential care, in particular Standards 2.10 – 2.17 clearly notes that there are expectations around nutrition and hydration, skin care, continence management, behavioural management, mobility, dexterity and rehabilitation, oral and dental care, sensory loss and sleep. This detail and careful consideration for all aspects of the consumer’s health and personal care has been lost in the draft Standard 3. Organisations will need to be able to read between the lines when applying draft Standard 3 and OPAN believes that this may potentially compromise the quality of the clinical and personal care provided to consumers.

Do you have any specific suggestions in relation to draft Standard 4: Delivering lifestyle services and supports? If so, what are they?

OPAN suggests the following with regards to draft Standard 4:

- As previously mentioned in Question 14, the scope of this standard is not clear. Only the rationale and evidence eludes to the fact that this standard covers domestic assistance, food services, laundry services and social support. Once you understand how broad the scope of this Standard is, the consumer outcome and organisation statement do not seem suffice.

- Wording from Standard 3.8: Cultural and Spiritual of the current Accreditation Standards for residential care should be incorporated into requirement 4.2 as follows:
consumers are supported to:
c) maintain individual interests, customs, beliefs and cultural and ethnic practices.
Once again, the Standard 1 requirement to respect cultural diversity is not enough. Respecting and supporting diversity are two different concepts and both should be clearly documented as a requirement in the standards.

Do you have any specific suggestions in relation to draft Standard 5: Service environment? If so, what are they?

OPAN suggests the following with regards to draft Standard 5:

- The organisational statement should be changed to “the organisation provides a safe, secure and comfortable service environment, that promotes independence, choice, function and enjoyment, and is welcoming of my guests.
OPAN considers it important that family and friends/ representatives and external services engaged by the consumer be welcomed into the environment. OPAN has been involved in many cases where organisations have tried, against the wishes of the consumer, to restrict family or friends from visiting. OPAN also believes that consumers, particularly those in residential care, should have access to a private space where they can comfortably meet with guests and potentially engage in meaningful activities such as sharing a meal.
- An additional requirement reflective of Standard 3.4: Emotional Support of the current Accreditation Standards for residential care should be developed to ensure care recipients receive emotional support in adjusting to life in a new environment.

Do you have any specific suggestions in relation to draft Standard 6: Feedback and complaints? If so, what are they?

OPAN suggests the following with regards to draft Standard 6:

- Edit the Consumer Outcome as follows: “When I give feedback, or make complaints, I see appropriate action taken. I feel safe and comfortable and am offered assistance/support to make complaints.” In OPAN’s experience aged care consumers are often reluctant to make a complaint as they fear retribution. It is essential that consumers are informed about advocacy services that can inform them of their rights and support them through the compliant process.
- Amend the Organisation Statement to: “Regular input and feedback from consumers, their carers and representatives, the workforce and others is sought and is used to inform individual and organisation-wide continuous improvement.” OPAN suggests the inclusion of “carers and representatives” as they are often the ones to recognise and raise complaints, particularly where the consumer is lacking capacity.
- OPAN suggests that requirements 6.3 comes before requirement 6.1 as the complaints should appear before the mechanism to address them. Edit requirement 6.3 as follows:
“ Consumers and their carers and representatives are:
 - encouraged and supported to make complaints and provide feedback
 - are informed of and supported to access advocacy services, language services and other external mechanisms for resolving complaints”.

Once again, OPAN suggests the inclusion of “carers and representatives” as they are often the ones to recognise and raise complaints, particularly where the

consumer is lacking capacity.

OPAN considers it essential that consumers receive advice from organisations about the supports available through advocacy services and key external complaints mechanisms such as the Aged Care Complaints Commissioner.

Do you have any specific suggestions in relation to draft Standard 7: Human resources? If so, what are they?

OPAN notes that the standards do not offer guidelines for staff ratios, leaving it to organisations to determine what would be a sufficient number. OPAN suggests that some guidance in this area would be beneficial. In OPAN's experience there are numerous consumer complaints raised in relation to insufficient staffing ratios.

OPAN also suggests that the supporting guidelines for this Standard make reference to the importance of employing staff who have the right attitude and suggest guidance on how this can be achieved through the adoption of rigorous and transparent human resources practices and policies such as good recruitment and performance management systems. OPAN considers it essential that aged care services support staff working in difficult contexts, so that they do not suffer from burn out and are able to access the support and training that they need to be able to do their jobs.

Do you have any specific suggestions in relation to draft Standard 8: Organisational governance? If so, what are they?

OPAN suggests the following with regards to draft Standard 8:

- Edit the Organisation statement as follows:

“The governing body values consumer rights and is accountable for safe and quality care services.”

- Amend requirement 8.2 as follows:

“The organisation demonstrates:

Defined roles, responsibilities and accountabilities within the organisation that are clearly understood by the workforce and consumers.”

The inclusion of the wording “and consumers” has been suggested as OPAN believes that it is important for consumers to understand the scope of various roles within an organisation. This knowledge can assist consumers to address their questions and concerns to the most appropriate person.

Do you have any other comments or suggestions about the draft standards?

OPAN recommends that the quality framework be rights-based and suggests that a reference to consumer rights be included in the representational diagram on page 14. For example, image number one should read consumer rights, dignity, autonomy, choice.