

OPAN Response to Review of National Aged Care Regulatory Processes

24 July 2017

Questions about accreditation and monitoring compliance of residential aged care services

Do you think that processes to accredit and monitor residential aged care services are effective?

Yes, sometimes

Do you think processes to review and investigate non-compliance with the accreditation standards are effective?

Yes, sometimes

Are you aware that sanctions can be imposed on residential aged care services when they fail to comply with the accreditation standards?

Yes

Do you think these sanctions are effective?

Yes, sometimes

What features of the existing assessment and monitoring process should be retained?

OPAN recommends that the following features of the existing assessment and monitoring processes be retained and enhanced:

- **Consumer consultation:** The current assessment process has mechanisms in place for involving consumers in quality assessments. OPAN considers consumer consultation to be an essential feature of any new quality assessment process for aged care. Please refer to question 16, for suggestions on how the current consumer consultation processes could be enhanced.

- Unannounced reviews: OPAN suggests that service providers receive too much time to prepare for reaccreditation audits. OPAN considers unannounced reviews, where service providers have limited time to prepare, provide a more realistic snapshot of the quality of a residential aged care facility. The Oakden Report (2017) described how Oakden had “developed a culture of making periodic attempts to meet different accreditation standards, even if these were barely met, rather than embracing a culture of continuous quality improvement”.

OPAN considers this type of culture to be common amongst providers of residential aged care. For example, there are a larger number of residential care facilities, that will only seek or accept an education session on advocacy and consumer rights and responsibilities in the lead up to re-accreditation site audit. OPAN has even come across some service providers who have admitted to having a special store of bedding and crockery that is only brought out for reaccreditation purposes.

OPAN suggests that an increase in unannounced reviews may encourage service providers to consider quality improvement more frequently as opposed to only considering quality as a compliance measure in the 6 months leading up to scheduled re-accreditation audit. OPAN maintains that an increase in unannounced reviews would be beneficial, particularly in cases where concerns about a facility have been repeatedly raised with the Aged Care Complaints Commissioner (ACCC), Department of Health, and NACAP Service Delivery Organisations. OPAN also notes that the quality of care within a residential facility can fluctuate significantly during a three-year accreditation cycle, especially when there has been a change in management. An increase in unannounced visits may allow for these circumstances to be identified and addressed in a more timely manner.

What features of the existing assessment and monitoring process should be changed?

OPAN suggests that the following features of the existing assessment and monitoring process require change:

- Consumer Consultations: Consumers and their representatives could be more effectively involved in the quality assessment and monitoring process with the adoption of the following strategies:
 - All consumers and representatives should receive clear advice of upcoming quality audits along with an invitation to participate. This advice/invitation should come directly from the Department of Health. This will remove the conflict of interest associated with the current process, where the service providers are responsible for distributing invitations. Letters of advice/invitation need to clearly describe the consultation process, the types of questions that may be asked and reiterate that the participation is confidential.
 - Options to engage via telephone or a digital consultation process should be offered as an alternative method of participation for tech savvy consumers and representatives. The online option may increase the ability of carers/representatives who are engaged in the workforce or other family commitments to participate.

- o It is essential that consumers feel safe to share their feedback and should therefore be taken offsite when participating in a consultation. In such circumstances, consumers should be provided with free transport.
 - o Consumers should be offered to the option to engage in either a private (one on one) or a group consultation, as some consumers have concerns that other participants in a group consultation will inform the service about the feedback they have provided.
 - o Service providers should not be involved in the selection of consumer participants. Currently there is a tendency for service providers to cherry pick “compliant” consumers to participate in consultations.
 - o Auditors specifically trained in engaging consumers should take the lead in conducting the consumer consultations. Consultations must cater to the diverse needs of consumers; offering access to interpreters and culturally appropriate engagement practices. Nonverbal consumers should be encouraged/supported to engage in the process through the use of appropriate communication tools.
 - o Consultations could be set up to evaluate or inform specific issues that are perceived by the Agency to be of a concern.
- Transparency for consumers: The current accreditation process does not adequately recognise that consumers have the right to be informed about quality concerns regarding the facility where they reside. The Australian Aged Care Quality Agency (AACQA) does encourage service providers to tell residents and representatives about the outcomes of an assessment contact, including information on failure to meet the Accreditation Standards, but this does not always occur. OPAN recommends that service providers be required to inform consumers and their representatives of instances of non-compliance including details of the timetable for improvement.
 - File audits: OPAN is aware of instances where service providers have been responsible for the selection of resident files for audits. OPAN has concerns that this process could allow service provider to select only positive cases for audit and maintains that case files should always be randomly selected by the auditor.

Questions about complaints

Have you made a complaint about a residential aged care service in the last 10 years?

No

Do you have any suggestions for how complaints handled by the Aged Care Complaints Commissioner could be better handled?

OPAN Service Delivery Organisations (SDOs) have supported thousands aged care consumers across the nation to make complaints to the Aged Care Complaints Commissioner (ACCC). OPAN SDO’s also support aged care consumers to engage in the ACCC conciliation process.

In OPAN's experience the ACCC complaints could be better handled with:

- The introduction of measures to ensure that agreed outcomes have been actioned following an ACCC conciliation. In most cases, the ACCC will close a case immediately after a conciliation meeting has ended. There is generally no follow up on the ACCC's behalf to ensure the agreed outcomes have been actioned by the service provider and in many instances service providers fail to follow through on these agreements after the ACCC involvement ends.
- Increased training for ACCC staff. The advice/information provided by ACCC lacks consistency at times, which suggests the need for further staff development.
- The introduction of a education program actively promoting the roles and responsibilities of the ACCC, AACQA and the National Aged Care Advocacy Program (NACAP) so that both consumers and service providers understand the continuum of safeguards available to address concerns in an appropriate and timely manner. In OPAN's experience, service providers, consumers and their carers/representatives are often confused about the varying roles of each of these organisations and how they interact with one another.