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Inquiry into Aged Care

Thank you for the opportunity to make a submission to Caring for Older Australians ó an inquiry into aged care in Australia.

The NSW Ombudsman has a range of responsibilities in relation to the oversight of community services and disability services in NSW. This includes inquiring into major issues that affect people who receive these services and reviewing the care, circumstances and deaths of certain people, including people with disabilities living in supported disability accommodation.

Our work in recent years has highlighted a number of concerns about support for people with disabilities as they age, particularly if they are living in residential services.

At the outset, two points are salient.

First, it is important to observe that people with disabilities should have access to the same aged care supports as any other person ageing in the community. This should be so irrespective of the circumstances of a person with a disability, including residence in disability accommodation.

Second, what is required to address these concerns is the establishment of a clear and consistent policy framework that links aged care and disability support and allows for the seamless provision of services to people with disabilities who are ageing.

Currently there are ongoing inequities in the provision of aged care services to people with disabilities. For example, ageing clients who live in supported disability accommodation are unable to access community-based aged care supports available to ageing people in the general community ó such as Community Aged Care Packages. This is because of the existing separation between the disability and aged care sectors.

Under the current multilateral National Disability Agreement (NDA) the signatories have agreed to pursue strategic policy priorities; these include strengthening access to mainstream and generic services for people with disabilities.

Current bilateral NDA agreements commit the parties to work together to address key issues including the situation of young people living in residential aged care facilities funded by the Australian Government and issues facing people with a disability who are ageing.

Notwithstanding these commitments, our work in reviewing the deaths of people with disabilities, and our liaison with service providers, indicates that the lack of a clear position with regard to people with disabilities who are ageing continues to be an issue.

In relation to younger people with disabilities, in the latter half of this year we handled five complaints about such people who had been, or were proposed to be, placed in aged care facilities. While two of the placements related to the provision of palliative care, the other complaints concerned younger people with disabilities being admitted to nursing homes reportedly due to a lack of suitable supported accommodation options.

We have concerns about the placement of younger people with disabilities in aged care facilities, particularly in light of the concurrent Younger People in Residential Aged Care program that is aimed at getting these individuals out of aged care facilities, and preventing their inappropriate admission.

In relation to the nexus between the aged care and disability sectors, in 2003-04, the Department of Health and Ageing operated a Disability Aged Care Interface Pilot; this initiative tested new approaches to aged care for people with disabilities living in supported accommodation facilities and who were at risk of entering residential aged care.

In 2006 the Australian Institute of Health and Welfare evaluated the pilot and reported that it delivered significant benefits to people ageing with a disability and helped increase the capacity of participating disability and aged care services to perform needs assessment and care planning for the target group. The evaluation also noted reports by participating services of knowledge and skills transfers between the disability and aged care sectors as a result of the pilots.¹

Although the pilot program has ceased, residents of participating services in NSW have continued to receive the supports provided under the initiative. Through our work we have continued to observe that these residents are the beneficiaries of improved coordination of services and increased levels of support to meet needs related to ageing. This is not the case for the vast majority of people with disabilities who are ageing across the state. In relation to their needs, the broad demarcations and barriers between the disability and aged care sectors remain in place, to the detriment of people with disabilities who are ageing.

Further, the sectors are themselves not benefitting from the sort of transfers of skills and knowledge identified in the pilot programs noted above. We have observed that disability accommodation services staff generally do not have expertise in dementia and aged care, and they are unlikely to receive the necessary training and support through the involvement of diagnostic practitioners alone. Services generally also have to try to meet the changing needs of clients who are ageing from within existing resources, with no increase in funding to take account of increased support needs.

In addition, staff from disability accommodation services have raised with us concerns about lack of policy guidance on ageing in place for residents.

We have recommended to Ageing, Disability and Home Care (the agency that since 2009 has formed part of the NSW Department of Human Services) that it develop a policy that clearly articulates and documents the directions, strategies and actions that it would take to support

¹ Australian Institute of Health and Welfare (2006) National Evaluation of the Aged Care Innovative Pool Disability Aged Care Interface Pilot

people with disabilities as they age. We have also recommended that ADHC consider developing a policy for disability services to guide decision making and the delivery of services when working with people with disabilities who are ageing.

To date, ADHC has not released an overarching statement on ageing, and has not indicated an intention to develop policy guidance for disability services on this topic.

Against this background, it is notable that the Council of Australian Governments decided in April 2010 to split responsibility for certain community, aged and disability services between the Commonwealth and the States on an age basis.

One effect of this decision will be that the Commonwealth will assume funding responsibility for specialist disability services for people aged 65 years and older, and for indigenous people aged 50 years and older. For people younger than these agreed limits, the States will assume responsibility.

It is unclear how these arrangements will work in practice. However in our view it is clear that a policy framework linking disability support and aged care is a critical prerequisite for the provision of adequate services that are equitable to people with a disability who are ageing.

Yours sincerely

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Deputy Ombudsman