



Attendant Care Industry Association of NSW Inc (ACiA)

ABN: 87 823 684 151

PO Box A2435

Sydney South NSW 1235

Tel (02) 9264 7197

Fax (02) 9261 0389

contact@aciansw.org.au

www.aciansw.org.au

ACiA Submission

Response to Productivity Commission Draft Report

National Disability Long-term Care and Support Scheme

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1. About ACiA

Attendant care – also referred to as community care - refers to any paid care or support services delivered at a person's home or in their community to assist them to remain living in the community. It targets people of all ages, with ill health or a disability. Attendant care aims to maintain or improve a person's independence, allow them to participate in their community and reduce his/her risk of admission to a facility or hospital. This is achieved by providing assistance based on each person's individual needs. It may include nursing care and assistance with all activities of daily living including personal assistance, domestic services, community access, vocational support, educational support, child care services, gardening/home maintenance, respite care, palliative care, social support and therapy program support.

Attendant care therefore supports the Commonwealth and State Government policies of allowing people to actively participate in society, remain in their own homes and avoid unnecessary residential care.

The Attendant Care Industry Association of NSW Inc. (ACiA) is the peak body representing private and not-for-profit attendant care service providers. The organisations that we represent employ more than 15,000 workers in all states throughout Australia. ACiA is currently in the process of becoming a national body.

ACiA's vision is that the attendant care industry is known and respected as a **provider of quality services**, which enhances **outcomes for service users**. To achieve this vision, ACiA provides education, resources and support to the industry and has now also developed a national quality management systems standard that is endorsed by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), and addresses specific attendant care quality requirements.

2. Context

ACiA members are keenly interested in all components of this inquiry. As ACiA's membership is concerned with the actual delivery of attendant (community) based care and support, ACiA's comments relate only to the issues that may impact on the effective delivery of such care and support. Our comments are also shaped by ACiA's and its members' recent experiences of working with a scheme with a similar focus, the NSW Lifetime Care and Support Scheme.

3. Overall Comment

ACiA strongly supports the Productivity Commission's recommendation that Australia move to establishing two new schemes that will ensure all people with severe or profound congenital or acquired disability are provided with an **entitlement to essential care and support**.

As the Commission's report highlighted, *'the current disability support system is underfunded, unfair, fragmented, and inefficient, and gives people with a disability little choice and no certainty of access to appropriate supports. It is not a 'system'.* ACiA members frequently encounter situations where people with disabilities are in need of additional and/or more flexible care and support services to enable them to remain at home **and** to participate in their community.

The need to move to an entitlement based system is not only the right thing to do, but it makes sense economically. Ensuring access to support for all individuals to participate in the life of their communities, while freeing up a large and hidden informal workforce – unpaid carers – will have untold productivity benefits for everyone involved.

With respect to the establishment of the National Disability Insurance Scheme (NDIS) and the National Injury Insurance Scheme (NIIS), ACiA would like to offer additional comment on two issues that must be at the forefront of considerations in the establishment and implementation of both schemes. These issues are:

- **Quality of service delivery/developing a nationally consistent quality standard: and**
- **Maintaining an appropriately skilled workforce**

4. Quality of Service Delivery (Chapter 8 - Delivering Disability Services)

The issue of quality is well canvassed throughout the Commission's draft report. Chapter 8 discusses the factors to be considered in safeguarding quality of care delivered in the community, including the need to:

- *Approve specialist providers*
- *Develop a single set of national standards and an associated accreditation process*
- *Provide consumers (Service Users) with information about the quality and performance of service providers on a national internet database of service providers.*

ACiA commends these suggestions and fully endorses the need for an appropriate level of oversight to ensure the delivery of high quality care and support that is focused on individual needs.

The Commission's draft report also gives great emphasis on the role of consumer choice in ensuring quality service delivery – that is, as power is transferred to the individual to exercise choice about the services they would like to purchase to meet their unique needs, providers of those services will respond to market forces by offering high quality services that appeal to their 'customers' – the Service User.

ACiA supports all policy directions that align with *The United Nations Convention on the Rights of Persons with Disabilities*, including the principle of respect for freedom to make one's own choices. ACiA therefore concurs that individuals requiring support services must be given choice in selecting a service provider – on an entitlement basis and as a result of assessed need. **The key to implementing this in practice is ensuring that Service Users are able to make an informed choice.**

All individuals need to know that the service provider they are considering purchasing services from is well managed, has a competent workforce, can provide effective care and will uphold their individual rights in accordance with all relevant legislation.

Furthermore, the types of care and services being delivered in the community will become increasingly complex as the population continues to age. This will inevitably lead to increased risks that need to be managed by service providers.

It is widely acknowledged that the community care industry is still largely unregulated and there is a lack of consistency in service delivery. The industry is relatively new, fast-growing and in demand. ACiA and funding bodies regularly receive feedback that the quality of care and service provided in the community is inconsistent between providers and sometimes does not meet expected standards of professionalism. Furthermore, in their recent report following the Inquiry into disability services provided or funded by the NSW Government, the NSW Legislative Council's Standing Committee on Social Issues (the Committee) found that:

- *'services are also sometimes not provided in accordance with either the Disability Standards of the relevant state or the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The poor monitoring of service compliance with this policy and legislation is one of the most significant issues identified through the Inquiry¹'*; and that
- *'a significant gap exists between the theoretical standards (NSW Disability Service Standards), the practical implementation of the standards and compliance monitoring.²*

¹ NSW Standing Committee on Social Issues Committee (November, 2010). Inquiry into services provided or funded by Ageing, Disability and Home Care. NSW Legislative Council. Available [http://www.parliament.nsw.gov.au/Prod/parlment/committee.nsf/0/18a4d07b967f5640ca2577d800031a6d/\\$FILE/101124%20ADHC%20Final%20compile.pdf](http://www.parliament.nsw.gov.au/Prod/parlment/committee.nsf/0/18a4d07b967f5640ca2577d800031a6d/$FILE/101124%20ADHC%20Final%20compile.pdf) (p18).

² Ibid. 2010. Available: [http://www.parliament.nsw.gov.au/Prod/parlment/committee.nsf/0/18a4d07b967f5640ca2577d800031a6d/\\$FILE/101124%20ADHC%20Final%20compile.pdf](http://www.parliament.nsw.gov.au/Prod/parlment/committee.nsf/0/18a4d07b967f5640ca2577d800031a6d/$FILE/101124%20ADHC%20Final%20compile.pdf) (p165)

The Disability Council of NSW, as the official advisory body to the NSW State Government on disability matters, also noted during the Inquiry that:

*'To have moved over the last five years to increasingly fund non-government organisations to deliver services to people is absolutely the right one so long as there is clear control and clear monitoring which should be independent and across-the-board, of course.'*³

These findings and statements are further evidence of the need for a robust system of ensuring approved community care providers are delivering high quality services at low risk to the Service User. It is in this context that ACiA believes that the lessons of implementing the Lifetime Care and Support (LTCS) Scheme in NSW, which covers people on a needs basis who are catastrophically injured on NSW roads, can be applied to the approval and monitoring processes for providers of care and services under the NDIS and NIIS.

The LTCS Scheme ensures Service Users are able to make an informed choice on who will provide their care/services by maintaining a list of approved service providers who have been selected for the quality of their service. So that Service Users know which providers are likely to be able to meet their needs, the panel is split into three groups based on each organisation's experience. As of 2011, ACiA notes that approved providers are required to achieve and maintain ACiA endorsed certification to the *Attendant Care Industry Management System Standard* (ACIMSS). The ACIMSS certification is primarily focused on achieving **demonstrable quality outcomes for Service Users**, and requires that service providers can demonstrate that they:

- Are delivering high quality, low risk services
- Have appropriate corporate and clinical governance structures
- Have appropriately experienced management and qualified staff
- Have the essential financial capability and viability
- Are committed to, and are achieving, continuous quality improvement

³ NSW Standing Committee on Social Issues Committee (November, 2010). Inquiry into services provided or funded by Ageing, Disability and Home Care. NSW Legislative Council. Available

- Are fully aware of, and can demonstrate that they are meeting, all legislative requirements specific to the type of services they are delivering
- Understand their duty of care and have developed and implemented appropriate risk management strategies

The ACIMSS focuses on the key issues required to deliver high quality individualised care and services in the community. It is suitable for **any** type of individual requiring support to live in the community and is not limited in scope to any one particular government department or funder. ACIMSS addresses the organisational management and the quality and appropriateness of care and service delivery to:

- People with disability
- The frail aged
- People with an acquired brain injury
- People with a physical injury

Given the ACIMSS program has already been developed as a complete, nationally consistent standard that can (and is being) applied to a range of funded specialist service providers and disability support organisations across Australia, ACiA would welcome the opportunity to be involved in the implementation of the Commission's Draft Recommendation 8.3, which calls for the National Disability Insurance Agency (NDIA) to develop and implement a quality framework for disability providers.

5. Maintaining an Appropriately Skilled Workforce (Chapter 13 - Workforce Issues)

The Commission highlights that there is mixed evidence about the current severity of shortages in support workers, but acknowledges that any shortfalls could be much greater under an NDIS. The Commission notes that the degree of expansion required in the disability sector, along with several other structural factors (such as population growth and competition from other growing industries drawing from similar labour markets), mean labour constraints could potentially undermine the core objectives of the proposed NDIS.

In line with ACiA's comments under Point 4 of this submission, ACiA remains concerned about the lack of consistency in the quality of service delivery. With an expanding sector – a sector which will be called upon to provide increasingly complex and diverse levels of care and services – locating and maintaining a sufficiently qualified pool of workers will only become more challenging.

ACiA notes that the Commission also calls for the maintenance of low barriers to working in the sector, where appropriate. While this approach is necessary to limit unnecessary barriers to entering the care workforce, ACiA argues that a **quality framework for approved disability providers** under the NDIS and NIS must include the following elements of human resource management:

- A system to monitor the proficiency of care workers
- Identification of the scope and limitations of services provided by care workers
- Ongoing training that ensures attainment of required care worker skill sets
- A system of supervision and support appropriate to the role of the care worker and the complexity and risk associated with the services provided
- An organisational framework that identifies the responsibilities, accountabilities and inter-relationship of each position within the organisation
- Position descriptions that outline the outcomes, responsibilities, authority, accountability and functions to be achieved in each position
- A system for recruitment and retention which facilitates care workers to feel supported, part of a team, valued, confident and competent
- An orientation or induction process which is completed by all care workers prior to commencement of duties
- A system of feedback to care workers about their performance
- A clear OHS consultation system including mechanisms to report hazards, incidents and injuries

Finally, it is difficult to consider how a great increase in workforce demand could be met within the current system. ACiA believes that this position will not change unless considerable changes to pay and conditions are supported. ACiA notes that this issue is the subject of the current gender equity case being heard by Fair Work Australia, and calls on funders and price regulators of an NDIS and NIIS to support service providers to pay wages that are sufficient to attract committed workers into the sector and commensurate with the value of the work delivered in the community.

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