



**Mandatory nurse: patient ratios
Senator Hinch steps up**

Introduces bill to require Department of Health to establish minimum ratios which would become mandatory

Draws out Labor and Liberal procrastination on ratios

see pages 4 - 5



Senator Derryn Hinch
(Justice Party)
Senator for Victoria



**Change of tune?
Minister Wyatt responds
to Fairfax Media**

see page 3

**Valuable insights or dumbing down?
*Quality Agency develops set of questions for residents and their representatives***

see pages 6 and 8

Editorial

Over four consecutive days in September, and with a two page spread each day, Fairfax Media published an expose on aged care. The 25 September edition included the compelling story of Margaret Daly's struggle on behalf of her late husband Sean against Allambee Nursing Home (*see also Elder Care Watch, Home Truths, case 53*).

The depth and scope of the Fairfax coverage was unprecedented in the mainstream print media. It could well prove a tipping point for the longstanding major party resistance to reforming regulation of the quality of care. The change of tone from Minister Wyatt in talking with Fairfax Media is marked (*see page 3*).

The report on the review of aged care regulation was due to be handed to the Minister on 29 September. Elder Care Watch and others have expressed misgivings about the structure of the review (*see page 7*).

If however the Minister does introduce changes of substance and receives Labor support, it will be a dramatic turnaround by the major political parties.

As recently as 7 September, a Liberal Senator and two Labor Senators continued their familiar procrastination on all aspects of workforce reform including mandatory minimum staff:resident ratios. They were speaking in the brief debate on Senator Hinch's Bill designed to require development of mandatory ratios for inclusion in the *Aged Care Act* (*see pages 4-5*).

If you have read Quality Agency accreditation reports you will be familiar with their banal generalisations about resident and relative views on aspects of care – medication management, continence management and so on. The Agency has now introduced *Consumer Experience Reports*. The Minister says they provide consumers with clear and accessible information to help them choose a home. Would they help you? (*see pages 6 and 8*).

Change of tune?

Minister Wyatt responds to Fairfax Media

The Minister's comments to Fairfax Media published in *The Age* in late September appeared just before he was due to receive a report on the review of regulation of aged care which he established in July. The review team comprised Ms Kate Carnell and Professor Ron Paterson.



Ken Wyatt
Minister for Aged Care

The comments contrast with the Minister's inclination in the past to speak in platitudes and to support the *status quo* when responding to any concerns by relatives or advocacy groups. His change of tune indicates a belated realisation that he will need to act.

Complaints system needs sanctions

"The Review that will come out of Oakden will certainly be a potential pointer to what we need to seriously consider". The Minister said he was *"very conscious"* that the complaints system lacks teeth and *"we have to be serious about what sanctions do apply"*.

Transparency must be increased

The Minister concedes that the Australian system lacks transparency unlike the USA where a nursing home's failings and complaints are searchable online: *"I accept what you have to make available is the information relevant to each facility. We should be transparent.. and I acknowledge that we don't do that with aged care"*.

K. Wyatt quoted in M. Bachelard and F. Tomazin, 'It was like something you'd witness at Guantanamo Bay', The Age 25 September 2017:5
and
M. Bachelard, 'If Australia's aged care system is broken, how do we start to fix it?', The Age, 26 September 2017:11.

Senator Hinch steps up on mandatory staffing ratios

Bill directed Department of Health to establish minimum ratios

Ratios were to be enshrined in regulations (Quality of Care Principles)

On 6 September 2017, Senator Derryn Hinch (Justice Party), introduced the Aged Care Amendment (Ratio of Skilled Staff to Care Recipients) Bill 2017.

New responsibility for providers

The Bill sought to amend the *Aged Care Act* to require nursing homes to “maintain an adequate and safe ratio of appropriately skilled staff to care recipients”.

Department’s work

The Department of Health was to develop the minimum ratios which would then be enshrined in regulations, specifically, in the *Quality of Care Principles*.

The parliament would have given the bureaucrats a clear direction to act.

Minister to be accountable for ratios

Once the ratios had been decided on and included in the *Principles*, the Minister for Aged Care would approve them and then table them in parliament. Any party could object within 14 days.

Two things here. First, the Minister’s signature would be on the ratios so he, and his government, would be accountable for them. Secondly, other politicians would have the right to speak up if they were concerned about the ratios to be applied.

This time it’s academic

All this is academic of course because the major parties killed off the Hinch Bill quickly but not before they showed their hand on ratios.

Short debate only

Bills introduced by individual members of parliament rarely succeed so the lack of support is not a surprise. Nonetheless, the mere introduction of the Bill by Senator Hinch exposed nursing home staffing to the public gaze and created a permanent record in *Hansard*.

For Senator Hinch’s Second Reading Speech see Senate, *Hansard*, 6 September:67 & 7 September:10-11.

Senator Hinch's Bill for mandatory staffing ratios
Labor and Liberal parties did not support the Bill
appear to be happy with endless investigation



Senator Helen Polley (Labor)
*Shadow Assistant Minister
 for Ageing
 Senator for Tasmania*

Both she and Senator Duniam sang the praises of the Senate Committee on the aged care workforce. Elder Care Watch has noted (*Media Release, 4 July 2017*) that the resultant taskforce is so overloaded with issues to investigate as to ensure little happens for a long time.



Senator Lucy Gichuhi
*(Independent)
 Senator for South Australia*

Independent Senator Gichuhi spoke in support of the Bill, noting the importance of registered nurses given complex medical conditions. She said the current wording in the Act was unclear. Mandatory minima for RNs would reduce hospital admissions.

There were four speakers before the debate was suspended. The second Labor Senator to speak was Claire Moore (Qld).

There was little difference between Labor and Liberal. Of course they supported safe, effective staffing in principle but there needed to be more investigation on ratios!

Senator Polley was hopeful the current review of regulation set up by Minister Wyatt might help to support "appropriate staffing levels and staffing mix".



Senator Jonathon Duniam
*(Liberal)
 Senator for Tasmania*

Senator Duniam invoked possible problems for regional and remote nursing homes to raise doubts about the wisdom of mandatory ratios. This follows the Liberal Party's traditional opposition to such a law.

Senate, *Hansard*
 7 September 2017:11-20

The parties' choices

When in government the Labor Party could have introduced legislation on ratios and similarly the Liberal-National government has had since 2013 to do something. Neither party tried to change the law and nor did the Greens.

Australian Aged Care Quality Agency recording residents' and relatives' experience *valuable insights or dumbing down?*

The Quality Agency is beginning to apply a new set of questions when it conducts routine reaccreditation audits.

The ten questions, listed here, are asked of a random sample of at least 10 per cent of the residents or their representatives. The results are collated in a ***Consumer Experience Report*** which appears on the website next to the audit report on the home.

The Agency CEO Nick Ryan said development of the report format involved consumer groups, academics (University of Sydney and Latrobe University) and providers.

The Report initiative was launched by Minister Wyatt on 17 August.

Australian Aged Care Quality Agency, Media Release, 18 August, 2017.

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The questions

What is your experience of the home?

Do staff treat you with respect?

Do you feel safe here?

Do staff meet your healthcare needs?

Do staff follow up when you raise things with them?

Do staff explain things to you?

Do you like the food here?

Response options

***NEVER
SOME OF THE TIME
MOST OF THE TIME
ALWAYS***

Do you agree with these statements?

If I'm feeling a bit sad or worried, there are staff here who I can talk to.

The staff know what they are doing.

This place is well run.

I am encouraged to do as much as possible for myself.

Response options

***STRONGLY DISAGREE
DISAGREE
NEUTRAL
AGREE
STRONGLY AGREE***

www.aacqa.gov.au, Consumers' Experience of the Quality of Care and Services: Aged Care Homes, May 2017.



ELDER CARE WATCH
working to improve aged care

Media Release

6 September 2017

Review of aged care regulation: secretive and lacking independence

The review of aged care regulation established by Aged Care Minister Ken Wyatt last May is secretive to the average consumer and lacking independence. The review of the operation of the Quality Agency, the Health Department and the Aged Care Complaints Commissioner was the Minister's response to the regulators' failure to detect systemic, longstanding abuse and poor quality care at the Makk and Mcleay nursing home in Oakden, SA.

The Department of Health is responsible for the secretariat function of the review despite being one of the agencies being examined. The preferred format for submissions was an on line survey. It was limiting in the range and number of questions, especially in respect of the compliance functions of the Department.

There were over 400 submissions by the 24 July closing date, causing the reporting date to be extended by one month to the end of September. To date (early September) no submissions are available to the public. Further, there is no phone access to the secretariat, only email. This contrasts with the recent Law Reform Commission elder abuse inquiry with its prompt release of submissions and phone access to the secretariat.

The Health Department website refers to three forums and meetings with 39 stakeholders but none are identified. The Minister has chosen a former Board member of the Quality Agency (formerly Accreditation Agency) Kate Carnell, to lead the review. She was on the Board from 2008 to 2011. Her reported response to the claim of a possible conflict of interest made by Linda Saltarelli from Aged Care Crisis was that she understands the accreditation system (*ABC, 7.30, 3 August 2017*). The other reviewer is a New Zealand academic. There is no reviewer with recent experience as an aged care consumer (patient) or advocate.

In setting up the review the Minister said he wanted to get to the bottom of any shortcomings of the national regulatory system (*Media Release, 1 May 2017*). The structure the Minister has chosen for the Review is scarcely fit for purpose or for ensuring public confidence in the findings.

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**Australian Aged Care Quality Agency
recording residents' and relatives' experience
*an example: Bupa Bendigo***

Bupa Bendigo
146 residents (140 high care)
16 residents interviewed
0 relatives (representatives)
interviewed
27 - 28 June 2017



	<i>MOST OF THE TIME or ALWAYS</i>
<i>Do staff treat you with respect?</i>	81%
<i>Do you feel safe here?</i>	100%
<i>Do staff meet your healthcare needs?</i>	94%
<i>Do staff follow up when you raise things?</i>	80%
<i>Do the staff explain things to you?</i>	81%
<i>Do you like the food here?</i>	63%
	<i>AGREE or STRONGLY AGREE</i>
<i>If I'm feeling a bit sad or worried, there are staff here who I can talk to.</i>	81%
<i>The staff know what they are doing</i>	75%
<i>This place is well run</i>	87%
<i>I am encouraged to do as much as possible for myself</i>	93%

www.aacqa.gov.au, Consumers' Experience of the Quality of Care and Services: Aged Care Homes,
Bupa Bendigo, 27-28 June 2017.

Independence
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