

Caring for Older Australians,

Productivity Commission.

As a Social Worker for 35 years with extensive contact with older Australians navigating the options open to them when their days of fully independent living were coming to an end, and as a private citizen/consumer of aged care services who is the carer/person responsible for my 92 year old mother and her 96 year old 'best friend', I would like to draw the Commissions attention to three issues that greatly concern me which relate to the current Aged Care Act.

1. "Reverse Discrimination" relating to Accommodation Bonds: Consider a person who has entered an ACF (Aged care Facility) at the highest level that they can afford and have paid the appropriate Accommodation Bond. Some time later, their financial situation changes, perhaps by way of an inheritance, and they may wish to move to an Extra Service ACF to improve their lifestyle and comfort. Despite being assured at the time of assessment by an ACAT Team that they have the right to move to another ACF at any time, in this case they are denied doing so by the Act, which prevents an ACF from charging a transferring resident an higher Accommodation Bond than the Bond that they paid at their previous ACF, minus any deductions already made. I understand that the reasoning behind this may have been to prevent vulnerable persons being exploited, but it is too restrictive and actually keeps individuals in ACFs where they no longer wish to live. There must be an amendment to the Act which includes a process by which this form of reverse financial discrimination is eliminated.
2. The Residents Agreement: This document, which is signed by both the ACF and the incoming resident/their person responsible, is not worth the paper it is written upon. Why? Because Mark Butler, Minister for Health and Ageing, has confirmed to me, in writing, that the Aged care Act DOES NOT REQUIRE an ACF to comply with the Agreement. Although the Department's website refers to the Agreement as being a legally binding document, it actually means that civil legal action may be resorted to if the Agreement is broken by an ACF, if the resident has the physical and mental ability and the financial resources to seek it, but the Department will not intervene. This is another issue that should be dealt with by amendments to the current Act.
3. Breaches of Accreditation Standards by ACFs: Residents/persons responsible can complain to the ACCIS (Aged Care Complaints Investigation Scheme) if they consider that an ACF is breaching a Standard &/or an Aged Care Principle, but having been through this process myself, I can testify to what an ordeal it is and what little result it achieves. After submitting a complaint and, following that, several appeals over a 12 month period which generated hundreds of pages of correspondence, two ACFs were found in breach regarding a number of issues. I then discovered that if the ACCIS did not apply a sanction, and an ACF writes a Policy and Procedure designed to prevent a recurrence of the issue that they were found in breach of, the matter was basically dropped as "dealt with". I understand that the ACCIS may consider that this is a gentler way in which to deal with breaches and that they are reluctant to "punish" an ACF, however, I believe that ALL breaches, attracting a sanction or

not, should be published, although the latter could be identified as having been recognised as a breach by the facility and action taken to prevent a recurrence. Why? Because this would encourage more compliance and accountability by ACFs and it would give the real performance histories of the ACFs that older Australians may be considering for their permanent residences. Both the ACFs that I complained about have full Accreditation, one receiving their renewed approval only a month or so before the breaches occurred, so I must question both the Accreditation Survey process and the lack of affect that breaches have on their current standing.

I suggest that there should be more unannounced visits to ACFs by Accreditation Surveyors that would to some degree balance out the frantic pre-Accreditation chaos that takes place in all ACFs and hospitals prior to the 3 day visit, all aimed at glossing over or distracting from any deficiencies in management or operation.

Donna Moses.

11/03/11.