

Submission

No 31

Outsourcing Community Service Delivery

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ACIA Submission:

Inquiry into Outsourcing Community Service Delivery

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Contents

1. About ACIA	2
2. Context	2
3. Comment	3
3.1 Overall comment	3
3.2 Models of service, regulation and quality assurance	3
3.3 Regulatory burden and red tape reduction	6
3.4 Sub-contracting/service brokerage	7

1. About ACIA

The Attendant Care Industry Association (ACIA) is the peak body for attendant care service providers operating across Australia. ACIA was established in 2005 to promote and implement the vision of an attendant care industry that is known and respected as a provider of quality services that enhances outcomes for older people and people with disabilities of all ages who require support to remain living at home in their community.

ACIA is a not-for-profit Association that represents the non-Government attendant care¹ sector, including charitable and private organisations. At present, ACIA has a membership of some 100 organisations, the vast majority of which provide the full suite of community care and disability services funded by the NSW Government (and all other jurisdictions). While ACIA commenced as a NSW based association, it is now a national organisation with a national agenda.

ACIA's primary focus on quality assurance and workforce capacity building aims to ensure the delivery of high quality, low risk attendant care services. ACIA's objectives therefore support the implementation of federal and state government policies aimed at enabling people to actively participate in society, achieve their person-centred goals, remain in their own homes and avoid unnecessary residential care.

2. Context

ACIA's vision is that the non-Government attendant care industry, which includes charitable and private organisations, is known and respected as a provider of quality services that enhances outcomes for service users. To achieve this vision, ACIA provides education, resources and support to the industry and has also developed an independent, national quality management program that is endorsed by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ), and addresses specific attendant care quality requirements. The ACIA endorsed certification to the *Attendant Care Industry Management System Standard* (ACIMSS) program can and is being applied in NSW and across Australia to assess the quality of services being delivered to any individual requiring low, moderate or high levels of support to live in their community. It is not limited in scope to any one particular government funded program.

ACIA members will be keenly interested in all components of this inquiry. As ACIA's membership is primarily involved in the actual delivery of disability and home care support, ACIA has focussed its commentary in this submission on the effects of further devolving and outsourcing service delivery from the Government to the non-Government

¹ ACIA defines attendant care in the generic sense as any paid care or support services delivered at a person's home or in their community to enable them to remain living in the community. **It is not limited to any one particular funded program.** It includes 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.

sector, with reference to the following aspects of the Committee's inquiry as they relate to the delivery of high quality, low risk care and support services:

- State Government processes, outcomes and impacts of transferring disability and home care services from Government to non-Government agencies;
- the development of appropriate models to monitor and regulate service providers to ensure probity, accountability and funding mechanisms to provide quality assurance for clients; and
- capability frameworks ensuring that community agencies are not overly burdened by regulatory constraints.

3. Comment

3.1 Overall comment

As a general principle, ACIA strongly supports the further devolution of disability and home care services from the Government to the non-Government sector. The non-Government sector is integral to the delivery of disability and home care. Many of these organisations are long established with a robust track record of serving the communities in which they operate.

In keeping with all levels of Governments' commitments to a more person-centred service system, a funder-provider split framework will provide a much improved transparency and accountability framework within the sector. It is difficult to see how Government as a major provider of services, as is the case for Home Care NSW – the single biggest provider of services in NSW and Australia - can truly deliver care and support services that meet the individual needs of service users. As we move further to a more market based approach to disability and home care service provision, with individual choice at the centre of the service system, the role of Government should predominantly be as a funder and regulator of service provision, without the inherent conflict of interest that stems from also being the predominant deliverer of services.

While there may always be a small place for Government to step in as a provider of services to address issues of equity caused by market failure in rural and remote areas, ACIA supports a model of service delivery in NSW that aligns with the proposed reforms contained in the Productivity Commission's report into a National Disability Insurance Scheme (NDIS) – a model that is underpinned by **entitlement and service user choice**.

3.2 Models of service, regulation and quality assurance

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. Many individuals requiring support services are vulnerable and require assistance to make informed choices. Service users – and their carers - are overwhelmed by the complexities of the system and find it difficult to locate services and aids that meet their needs. 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 expose service users to increased risks - risks that need to be managed by service providers.

It is widely acknowledged that the disability and home 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 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 Inquiry²'*; and that
- *'a significant gap exists between the theoretical standards (NSW Disability Service Standards), the practical implementation of the standards and compliance monitoring.³*

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.⁴

² 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).

³ 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)

⁴ Ibid. 2010 (p 181).

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 ALL disability and home care services provided in NSW (and elsewhere).

The LTCS Scheme ensures service users are able to make an informed choice on who will provide their care and support services by maintaining a list of approved service providers that 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.

ACIA notes that approved providers are required to achieve and maintain ACIA endorsed certification to the ACIMSS. The ACIMSS certification program, which aligns with the NSW Disability Service Standards (amongst other relevant quality standards across Australia), is primarily focused on achieving **demonstrable quality outcomes for service users**.

Achieving certification requires that non-Government 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
- 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.

Recommendation 1

ACIA recommends the adoption of a system that includes a panel of approved, quality certified providers for the non-Government disability and home care sector in NSW, such as that described above, to ensure the NSW Government is able to effectively respond to the NSW Legislative Council's Standing Committee on Social Issues⁵, when it recommended:

⁵ 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) (p 28).

‘That the NSW Government establish an independent organisation to:

- monitor the quality of disability services provided and funded by ADHC*
- handle complaints about the provision of services (for issues that are not within the responsibility of organisations such as the NSW Ombudsman)*
- monitor compliance with the NSW Disability Service Standards and the Disability Services Act 1993 through providing accreditation to organisations that provide disability services in accordance with the standards -Recommendation 47.’*

3.3 Regulatory burden and red tape reduction

ACIA is pleased to see that in its *Position Statement on the Quality Framework for Disability Services in NSW*⁶, ADHC has signalled to the sector that it will be moving to a quality assurance system that will include independent, consistent, third party monitoring of service providers against the NSW Disability Service Standards for all ADHC funded and operated services. This is a positive step in disability and home care service provision in NSW that will achieve better outcomes for all stakeholders, including people with a disability, their families and carers, service providers, and regulatory bodies.

ACIA also supports the NSW Government’s intention to use 'evidence' from existing quality certification systems, rather than developing a comprehensive and discrete NSW system that ignores what providers might already have in place.

Recommendation 2

Most providers of disability and home care services are likely to be delivering a broader range of programs than those funded by one NSW Government agency, and are therefore still subject to numerous quality requirements imposed by funding bodies across jurisdictions. This situation has considerable time and financial implications that detract scarce resources away from the actual delivery of care and support services.

Given the ACIA endorsed ACIMSS certification program is not limited in scope to any one particular government program or jurisdiction, and is applicable to any type of service user who requires support to remain living at home or their community - the frail aged, people with a disability, people with an acquired brain injury or a physical injury – ***ACIA recommends that the ACIA endorsed ACIMSS program be formally recognised as an existing quality certification system that meets the NSW Government’s quality assurance requirements for all funded home care and disability services.***

⁶ Ageing, Disability and Home Care, 2011. Position Statement on the Quality Framework for Disability Services in NSW . Available http://www.adhc.nsw.gov.au/sp/monitoring_and_quality/quality

3.4 Sub-contracting/service brokerage

It is not unusual in the non-Government disability and home care sector that some service providers may pay a separate service provider to deliver an attendant care service on their behalf. Conversely, one service provider might be contracted by a separate service provider to deliver the service. This situation also extends to Home Care NSW, who often broker the delivery of services to a non-Government agency, while remaining the holder of funds for the service user. This model of funding and service delivery creates confusion amongst service users as to who is responsible for their care and support, and who they should contact to discuss matters pertaining to their service.

While ACIA is not concerned with the business model of any particular non-Government service provider, sub-contracting of service delivery can have the potential to pose challenges regarding access to adequate information, such as service user assessments and care plans, in order to appropriately identify and manage risks, while also providing a service that meets the individual's person-centred goals and needs.

Recommendation 3

ACIA recommends that where care and support services are sub-contracted from one service provider to another, the risks to the service user and service provider should be mitigated by **ensuring that mandated quality assurance mechanisms apply to both service providers.**

Recommendation 4

ACIA recommends that Home Care NSW cease acting as the holder of funds for a service user, while sub-contracting a separate service provider to deliver care and support services on its behalf.