



2 September 2015

Ms Rhia Victorino
Principal Council Officer
General Purpose Standing Committee No 3
NSW Legislative Council
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Ms Victorino

Re: General Purpose Standing Committee No 3 - Inquiry into registered nurses in New South Wales nursing homes.

Thank you for providing the transcript relevant to my appearance before the above Committee on 5 August 2015. I note that there are a number of questions on notice evident in the transcript and that you also provided a number of Supplementary Questions.

My responses to the Questions on notice are set out below. Answers to the Supplementary questions are attached. In addition I propose two corrections to the transcript to reflect my understanding of what was said during my appearance. I have inserted "sticky notes" in the transcript attached where the corrections are needed.

Questions on notice

Question: The Hon. WALT SECORD: *Can you take it on notice to provide the names of those six aged-care facilities, please?*

Answer: Of the six aged care services referred to, I am able to name the following three. They were:-

- Legacy Aged Care - Norah Head
- Stroud Community Lodge
- Illawarra Multi-Cultural Village Hostel.

I am not able to name the other three services for the following reasons.

Information about aged care providers, including about their performance against the Accreditation Standards, is protected information under the Australian Aged Care Quality Agency Act 2013 (Act). It is an offence to release protected information other than as provided for under that Act. I am able to name the above three services because in these cases we had found the failures to meet the Accreditation Standards through a re-accreditation audit. We are required to publish re-accreditation decisions along with the re-accreditation audit report and we have done so on our website. This requirement is in the Quality Agency Principles 2013, made under the Act.

However, failures to meet the Standards by the other three services referred to were identified from assessment contacts. Unlike re-accreditation audits, there is no provision to make findings of assessment contacts publicly available and except in certain limited circumstances, that do not apply to these three services, we do not do so. These limited circumstances are where an update to the home's last audit report is published on our website if there is a decision that results in a 'compliance change' – either:

- the last information published showed that the home had failed to meet the Accreditation Standards and the home has now met all expected outcomes; or
- the home has been on a timetable for improvement and this assessment found that it has not succeeded in meeting all the expected outcomes on time.

Question: The Hon. WALT SECORD: *For the 939 aged-care facilities in New South Wales, how many complaints have you received?*

Answer: As at 30/06/15, there were 874 accredited residential aged care services in NSW. During the year 1 July 2014 to 30 June 2015 we received 489 complaints or information of concern regarding residential care services.

This figure does not include information referred to us by the Department of Social Services about complaints made to the Aged Care Complaints Scheme.

We use any information that we receive about care services to make decisions about our ongoing program of visits to assess and monitor their performance. However, we do not investigate individual complaints or undertake compliant resolution procedures. Thus, whenever we receive complaint information from a care recipient, a representative of a care recipient or any other person, we refer them also to the Aged Care Complaints Scheme.

Question: The Hon. WALT SECORD: *Do you know where those six are based in New South Wales? Are they in country areas or in Sydney?*

Answer: None were in Sydney. One was in the Hunter region, two were on the Central Coast, two were in the Illawarra region and one was on the Far North Coast.

I hope these answers and the attached responses to supplementary questions will assist the Committee.

Yours sincerely

Ross Bushrod
Director Quality and Standards

ATTACHMENT: Australian Aged Care Quality Agency - Answers to Supplementary Questions

Question 1: Is a review of the Accreditation Standards planned or is a review being currently undertaken?

Answer: As part of the Australian Government's 2015 budget initiative to develop a single quality framework for aged care, existing sets of aged care standards, including the Accreditation Standards, are being consolidated into a single set of standards.

Question 2: How many nursing homes are currently in operation within New South Wales?

Answer: As at 30/06/15, there were 874 accredited residential aged care services in NSW.

The Quality Agency understands that under the relevant NSW legislation, a "nursing home" is a residential aged care service that has allocated places that require a high level of care (within the meaning of the Commonwealth Aged Care Act 1997). The Quality Agency is not able to say how many of the 874 residential aged care facilities in NSW, as at 30 June 2015, would have been "nursing homes" within the meaning of the relevant NSW legislation because the distinction between high care and low care allocation of places, by the Department of Social Services, ceased on 1 July 2014.

Question 3: How many new nursing homes have commenced operation within New South Wales between 1 July 2014 and 23 June 2015?

Answer: The Quality Agency accredited seven commencing (new) residential aged care services between 01/07/14 - 23/06/15. Note that we are not able to say how many of these would be "nursing homes" as defined in the relevant NSW legislation.

Question 4: How many nursing homes were in operation within New South Wales before 1 July 2014?

Answer: As at 30/06/14, there were 876 accredited residential aged care services in NSW.

Question 5: How many aged care facilities with residents who require a high level of residential care, other than nursing homes, are currently in operation within New South Wales?

Answer: There were 874 accredited residential aged care services in NSW as at 30 June 2015. The Quality Agency is not able to identify the number that are "nursing homes" or are "other than nursing homes" for the reason outlined in the answer to Question 2 above.

Question 6: How many new aged care facilities with residents who require a high level of residential care, other than nursing homes, have commenced operation within New South Wales between 1 July 2014 and 23 June 2015?

Answer: The Quality Agency accredited seven commencing (new) residential aged care facilities between 1 July 2014 and 23 June 2015. We are not able to identify the number that were "nursing homes" or were "other than nursing homes" for the reason outlined in the answer to Question 2 above.

Question 7: How many aged care facilities with residents who require a high level of residential care, other than nursing homes, were in operation within New South Wales before 1 July 2014?

Answer: The Quality Agency does not have the information required to answer this question beyond the information provided at question 4 above.

Question 8: Many of the submissions the Committee has received have made comparisons between different staffing designations.

Answer: With the exception of Question 8 (c), the Quality Agency does not have the required information to answer the components of Question 8. These matters are not within Quality Agency's responsibility.

Question 8(c): What security screening requirements are required for these employees to practice or be employed in New South Wales (Police Records Check, NSW Working With Children Check, etc.)?

Answer: There is a requirement that police certificates, not more than three years old, must be held by all staff members who are reasonably likely to have access to care recipients, whether supervised or unsupervised. Details of this requirement are contained in the Accountability Principles 2014 made under the Commonwealth Aged Care Act 1997.

Question 9: Please outline the programs of visits the Australian Aged Care Quality Agency undertakes to all residential aged care facilities (for example, number of announced and unannounced visits, and breakdown according to jurisdiction)?

Answer: The following table shows the volumes for the three years 1 July 2012 to 30 June 2015 for each type of visit that the Australian Aged Care Quality Agency undertakes to residential aged care facilities.

Type of Visit	Qld	NSW	ACT	Vic	Tas	SA	NT	WA	Aust
Re-accreditation site audits	495	895	28	787	78	273	25	259	2840
Unannounced assessment contacts	1400	2702	78	2669	282	904	50	870	8955
Announced assessment contacts	855	1453	35	877	43	413	160	415	4251
Review audits	35	19	1	23	2	13	5	11	109
Total all visit types	2785	5069	142	4356	405	1603	240	1555	16155

A re-accreditation site audit is arranged when a provider applies for a further period of accreditation of a service. It is carried out prior to expiry of the service's existing period of accreditation and is a comprehensive assessment against all 44 expected outcomes of the Accreditation Standards. Each re-accreditation site audit is carried out at premises of the residential care service by an assessment team made up of at least two registered quality assessors. Following a re-accreditation site audit, an audit report is prepared and is considered in deciding whether to re-accredit the service and the period of accreditation. Re-accreditation site audits are always announced.

An assessment contact is a visit to assess accredited services' ongoing performance against the Accreditation Standards and assist with continuous improvement, between re-accreditation audits. They form an important part of the ongoing monitoring of performance of aged care services. The scope of each assessment contact is decided case by case and this may be a number of expected outcomes, key themes or processes that support quality care, matters identified from a previous assessment, information received from the Department of Social Services, such as complaints information or information received from some other source. Assessment contacts are used also to monitor progress in correcting any failures to meet the Accreditation Standards. Assessment contacts may be announced or unannounced.

A review audit is a comprehensive review of the performance of a service against all 44 expected outcomes of the Accreditation Standards. The Quality Agency may arrange a review audit if it considers that a service may not be complying with the Accreditation Standards or if there are important changes at the service that may warrant a review. The Quality Agency must arrange a review audit if requested by the Secretary of the Department of Social Services. An assessment contact may identify a need to conduct a review audit. Following a review audit, an audit report is prepared and is considered in deciding whether or not to revoke the service's accreditation or to vary the service's period of accreditation. Review audits may be announced or unannounced.

All residential aged care services receive at least one unannounced visit in each year.

Question 10: Who determines the nature of an accreditation standard? What is the rationale for not including a specific requirement for a registered nurse in relevant accreditation standards such as Standards 1.6, 2.4 and 2.5?

Answer: The Accreditation Standards are part of Commonwealth aged care legislation (*Quality of Care Principles 2014* made under the *Aged Care Act 1997*).

Commonwealth legislation requires providers of aged care services to ensure there are sufficient staff with the appropriate skills and qualifications to meet the needs of care recipients. Where care recipients need specialised nursing services these must be carried out by a nurse practitioner, registered nurse, enrolled nurse or other relevant health professionals (eg stoma therapist, speech pathologist) acting within their scope of practice.

The number and the mix of skills and qualifications appropriate for an aged care facility are influenced by a complex range of factors including the number and mix of care recipients' particular needs and preferences, size and design of the aged care facility, the way work is organised, use of technology and whether services are provided in house or contracted. No two facilities are identical in relation to such factors. Further, the mix of care recipients' needs changes over time and providers must frequently adjust staffing and services to meet changing needs.

There is no specific staffing requirement that would fit the diversity of circumstances that exist across aged care facilities.

Question 11: Please outline the complaint mechanisms available to residents and their families through your agency?

Answer: If a resident of an aged care facility, or a representative of a resident, contacts us to make a complaint about their care or services, we encourage them to contact the relevant approved provider, if they have not already done so, or the Aged Care Complaints Scheme which is conducted by the Department of Social Services.

The Quality Agency's function is to make assessments of the performance of aged care services against the Accreditation Standards. We do not have a role in investigating individual complaints or in complaint resolution. Nevertheless, we record any particulars provided to us and consider those particulars to assist in planning our program of visits to the facility including the timing of visits, whether the visits should be announced or unannounced and matters to be reviewed.

Any person who wishes to make a complaint about the conduct of quality assessors or about the conduct of other aspects of the Quality Agency's functions may do so by using our complaints email address or by contacting any of our offices directly. The Commonwealth Ombudsman may also receive and examine complaints about the Quality Agency.