

**Submission  
No 13**

**INQUIRY INTO PROVISIONS OF THE PUBLIC HEALTH  
AMENDMENT (REGISTERED NURSES IN NURSING  
HOMES) BILL 2020**

**Organisation:** Carers NSW  
**Date Received:** 29 January 2021

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29 January 2021

Select Committee on the provisions of the *Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020*

Parliament House, Macquarie Street  
Sydney, NSW 2000

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Carers NSW thanks the Select Committee for the opportunity to provide feedback on the *Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020*, Terms of Reference. This submission will address matters that have direct application to the experiences of family and friend carers of older people.

Carers NSW is the peak non-government organisation for carers in New South Wales (NSW). A carer is any individual who provides care and support to a family member or friend who has a disability, mental illness, drug and/or alcohol dependency, chronic condition, terminal illness or who is frail. Carers NSW is part of the National Carer Network and a member of Carers Australia. Our vision is an Australia that values and supports all carers, and our goals are to:

- Be a leading carer organisation in which carers have confidence
- Actively promote carer recognition and support
- Actively support carers to navigate a changing service landscape that will be characterised by ongoing policy reform
- Promote connected community experiences and opportunities for carers that are inclusive of diverse carer groups
- Lead and advocate for carer-specific and carer-inclusive policy making, research and service delivery
- Continue to be a quality-driven, responsive and carer-focused organisation.

Thank you for accepting our submission. For further information, please contact Grace Cherrington, Policy Officer at \_\_\_\_\_ or on ( \_\_\_\_\_ ) \_\_\_\_\_

Yours sincerely

Elena Katrakis  
CEO  
Carers NSW

## Introduction

Findings from the Royal Commission into Aged Care Quality and Safety (the Royal Commission) have highlighted the impact of poor workforce conditions, inadequate investment and insufficient regulation on the availability, quality and safety of formal aged care services. COVID-19 has exacerbated the issues already recognised within the aged care sector and brought the consequences of these insufficiencies into the spotlight.

This inquiry presents a valuable opportunity not only to reinforce the importance of having registered nurses on duty at all times in a residential aged care facility, but also to consider how the NSW Government and public health system can embed broader recommendations from the Royal Commission to improve the experience of older people, their families and carers in residential aged care in NSW. This submission addresses elements of the Terms of Reference which Carers NSW supports in principle, and will focus particularly on items (c) and (d).

## Carers of older people

Data from the 2018 Survey of Disability, Ageing and Carers (SDAC) indicates that there are 853,300 carers in NSW, with approximately 50,000 providing care for an ageing family member or friend.<sup>1</sup> Just under a quarter of all carers in NSW are ageing themselves.<sup>2</sup> For many carers of older people, their caring role does not end when the person they care for enters a residential aged care facility. Often carers continue to be heavily involved in the practical tasks of care, such as providing additional assistance and supervision during mealtimes, assisting with transport to medical appointments, providing substantial social and emotional support and assistance with decision making and advocacy. In some instances, carers supplement the care provided by workers when a resident's needs are complex and/or when staffing and resourcing are limited. Carers from culturally and linguistically diverse families often provide additional support and assistance due to language and other barriers.

## The lack of registered nursing staff and its implications

Data from the National Aged Care Workforce Census and Survey (NACWS) 2016 indicates that the aged care workforce is made up of a number of work roles with varying levels of qualification.<sup>3</sup> A higher number of workers without formal qualifications, such as community care workers (CCWs) and personal care attendants (PCAs) work in residential and home care settings, compared to more qualified workers like registered nurses (RNs).

Carers NSW recognises that there are many CCWs and PCAs who offer high quality, appropriate and necessary care. However, there are concerns that the quality of care cannot always be maintained due to their current level of education and skill, particularly in cases where they are required to provide specialist care. The Nurses and Midwives Association has identified many cases where specialised care is being provided by unregulated or under-educated care workers.<sup>4</sup>

The implications of this are far-reaching and relate predominately to patient safety, particularly in situations where unregulated care workers are administering medications to people who are cognitively impaired. Research has similarly identified the level of skill among some care workers is unsatisfactory to deliver high quality care, with one Australian study finding a quarter of PCAs demonstrated "superficial or limited knowledge of person-centred care."<sup>5</sup>

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<sup>1</sup> Australian Bureau of Statistics (2021) *Survey of Ageing, Disability and Carers 2018*, TableBuilder Dataset. Australian Government, Canberra. Available online at: [www.abs.gov.au](http://www.abs.gov.au)

<sup>2</sup> Ibid.

<sup>3</sup> Australian Government, *Department of Health (2017) 2016 National Aged Care Workforce Census and Survey—The Aged Care Workforce, 2016*.

<sup>4</sup> NSWNMA (2019). *Who cares? Dementia care in NSW residential aged care facilities*. Waterloo, Sydney: NSWNMA

<sup>5</sup> Oppert, M., O'Keeffe, V., & Duong, D. (2018). Knowledge, facilitators and barriers to the practice of person-centred care in aged care workers: a qualitative study. *Geriatric Nursing*, 39(6), 683-688.

Without the presence and oversight of qualified nursing staff, undue distress may be caused to the resident, their families and carers, particularly in instances where insufficient or unsafe care practices are evident. Many carers report to Carers NSW that the level of care in residential or home care settings is not to a standard that they or the person they care for is comfortable with. In addition, Carers NSW has heard from a number of carers who describe that they have been required to perform personal care in place of the paid care worker, further highlighting that basic training has not been properly undertaken or maintained.

### The need for further regulation

Quality of care is closely linked to skill level, knowledge and experience.<sup>6</sup> While aged care providers are required to ensure that there are adequate numbers of appropriately skilled staff to meet the individual needs of their residents,<sup>7</sup> concerns have been identified by the Royal Commission and previous inquiries as to whether current staffing levels and knowledge are adequate.

In 2017 the Australian Law Reform Commission (ALRC) noted its concerns around staffing levels in residential aged care facilities, warning that the current levels could result in the neglect of care recipients.<sup>8</sup> Similarly, the Royal Commission found that more than half of Australian residents receive care in aged care homes that have unacceptable levels of staffing.<sup>9</sup> For carers, inadequate staffing levels have led to distress, as they are constantly worried about the safety and quality of services provided and the impact this has on the person they care for.

Current legislation does not set out clear guidelines for how residential aged care facilities should be staffed, nor does it prescribe the minimum level skillset of its workers. While registered nurses are legally required to be on duty at all times in a nursing home, the *Public Health Act 2010* does not prescribe staff ratios, including ratios pertaining to experience or skillset in aged care facilities, other than to specify RN attendance at all times. Further, many workers may have the relevant skills needed to undertake their role, but are unable to exercise them because they have too little time, or their opportunities are restricted in other ways.<sup>10</sup> Oftentimes care workers are unable to undertake training during work hours, unless it is required to fulfil basic, mandatory requirements.<sup>11</sup> Expecting care workers to complete additional training outside of work hours also assumes they have the equipment and home circumstances that enable them to do so.<sup>12</sup>

### Conclusion

Carers NSW commends the Select Committee's inquiry into the provisions of the *Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020* and notes the importance of legislation that requires a registered nurse on duty at all times in a residential aged care facility. Carers NSW would also like commend the broader examination of how the NSW Government and public health system can seek to embed recommendations from the Royal Commission and use lessons learned from the COVID-19 pandemic to shape policy and practice that benefits older people accessing residential aged care facilities, their families and carers.

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<sup>6</sup> Meagher, G., Cortis, N. Charlesworth, S., Taylor, W. (2019). *Meeting the social and emotional support needs of older people using aged care services*. Sydney: Macquarie University, UNSW Sydney and RMIT University. <http://doi.org/10.26190/5da7d6ab7099a>

<sup>7</sup> *Aged Care Act 1997*

<sup>8</sup> Australian Law Reform Commission (ALRC) (2017), *Elder Abuse – A national legal response*, ALRC Report 131, ALRC: Sydney.

<sup>9</sup> Eagar K, Westera A, Snoek M, Kobel C, Loggie C and Gordon R (2019) *How Australian residential aged care staffing levels compare with international and national benchmarks*. Centre for Health Service Development, Australian Health Services Research Institute, University of Wollongong: NSW.

<sup>10</sup> Meagher, G., Cortis, N. Charlesworth, S., Taylor, W. (2019). *Meeting the social and emotional support needs of older people using aged care services*. Sydney: Macquarie University, UNSW Sydney and RMIT University. <http://doi.org/10.26190/5da7d6ab7099a>

<sup>11</sup> Ibid

<sup>12</sup> Ibid