

## Analysis of the first three days of the Aged Care Royal Commission (ACRC) hearings

### DAY ONE: Monday 11 February

Testimony opened with statements from Barbara Spriggs and her son, outlining the experience of her late husband at the Oakden mental health facility. Their focus was on preventative measures, including compulsory CCTV surveillance in communal areas (and an option to install them in private areas), improved accountability, staff training and staff levels.

Testimony from Ian Yates - COTA Australia Chief Executive – followed, with wide-ranging discussion covering an overview of issues across the spectrum of care. Among other issues, Mr Yates spoke on:

- Consumer surveys on safety and quality;
- Medication;
- Nutrition and food;
- Workforce issues (including the need for improved career pathways and remuneration to attract and retain staff);
- Funding for palliative care;
- Future demand for services for dementia;
- The efficacy of the current funding instrument; and
- The need to periodically review whether funding is fit for purpose.

Toward the end of Mr Yates' testimony, Commissioner Briggs interrupted a discussion on governance to ask a question about nurses and staff ratios. To her question: *"...I'm pretty conscious of the fact that the ratios have changed between qualified and enrolled nursing staff and the other personal care staff quite dramatically in recent years. What do you think has been driving that and do you think that's appropriate?"* Mr Yates responded by outlining his view, including recruitment challenges and changes in practices reducing the need for qualified nurses, and mentioned the 'command and control' nature of nursing as less consumer focused.

In the last session of the day, National Seniors Australia CEO, Professor John McCallum, gave testimony on the need for improved training and access to training, and the 'emerging' nature of aged care as an industry with work to do formalising a code and continuing the work of the workforce strategy report.

## DAY TWO: Tuesday 12 February

Testimony in the morning was a discussion of the relevant data and surveys used to measure the changing demographics of the ageing population and aged care in Australia. The ACRC heard testimony from representatives from the Australian Bureau of Statistics - Justine Boland, Program Manager - and the Australian Institute of Health and Welfare - Mark Cooper-Stanley and Louise York.

In explaining why it sought this testimony, the ACRC said it was seeking an 'overview about how those data have been analysed to date and...how they may be analysed further in ways that could assist the inquiry'.

Commissioner Briggs questioned Ms York about a survey showing the growth in community care workers and personal care attendants as a category of the overall aged care workforce.

The ACRC also heard from consumer advocacy groups, beginning with Craig Gear, Chief Executive Officer of Older Persons Advocacy Network, followed by Paul Versteegen, Policy Manager of the Combined Pensioners and Superannuants Association, and Sue Elderton, National Policy Manager, Carers Australia.

Mr Gear stated that: *"The majority [of aged care providers] are encouraging of their staff and themselves being educated about advocacy services. However, we do encounter some resistance to us coming in, where we will have times where people will ask us not to attend to deliver the education session, and that's a concern for us."*

Ms Elderton stated that poor pay is unlikely to attract the right kind of workers. *"They have no mission about being there. They're not proud to be there. They're there because they get paid. And that's not good for a care industry,"* she said. However, she went on to say that National Carers does not support mandated staffing ratios: *"There is no evidence from other countries, or even the Victorian public residential care sector, where they do have ratios, that it has made a big difference to the quality of care."*

Commissioner Briggs queried the position, asking that just because it was *'deemed pretty hard to establish staff ratios...is that a good enough excuse for not doing so?'* Ms Elderton said it was 'not her area of expertise'.

Overall, evidence from these witnesses focused on their concerns about safety and quality. Mr Versteegen spoke about recent increases in compliance action, saying that "compliance monitoring was broken prior to 2017/18" and the recent increase in action was more attributable to an "increase in regulatory action after a period of relative inaction" rather than a deterioration in providers' performance.

Mr Versteegen also stated that the National Aged Care Alliance, the Aged Care Sector Committee, and the Aged Care Workforce Taskforce are dominated by aged care provider peak bodies, where they 'push their own interests'. He also said he wants to split accreditation applied to aged care facilities – because he argues they are two separate businesses. *"One is a real estate business and one is a care business,"* he said.

### **DAY THREE: Wednesday 13 February**

Today's testimony focused on issues relating to the clinical care of elderly people in residential care, and their increasing acuity and care needs. Discussion in the testimony of three witnesses centred on workforce issues, skills mix, training and the interface with allied health. All spoke to how staffing and skills mix currently function in an environment of increasing patient acuity.

Testimony from Edward Strivens from the Australian and New Zealand Society for Geriatric Medicine included evidence about the high level of patient acuity, with complex needs requiring complex assessment and care planning - including for continence, skin integrity, pressure, infections, antibiotics etc.

Deborah Parker, Chair of the Ageing Policy Chapter of the Australian College of Nursing, spoke about the role and skill set of registered nurses and the challenges they face in meeting the needs of older Australians - particularly those suffering from chronic conditions.

She spoke about the skill mix of the workforce as the 'single biggest issue for the aged care sector over the next 20 years'. Her testimony included discussion about the decline in registered nurses from 21 per cent in 2003 to 14.9 per cent now, and the corresponding increase in personal care workers (referred to in the transcript as the 'unregulated workforce') and the associated concern about a lack of necessary skills to meet the increasing complexity and acuity of patient needs.

Ms Parker stated that staffing is a complex problem brought about by a combination of funding and remuneration issues, facilitated by legislation that doesn't mandate registered nurses but allows providers to select a skills mix to meet the needs of clients.

In her testimony, Australian Nursing & Midwifery Federation National Secretary, Annie Butler, explained her views on the ways in which staff in the current aged care system are put in the position where they can't provide the level of care they would like to. In her discussion she referred to a number of case studies or 'profiles' from the Federation's recent survey, highlighting incidents of missed care for residents with different complex health needs.

Ms Butler spoke about nurses leaving the sector, describing workloads as untenable and unsafe across both nurse and carer members, and said they find it increasingly difficult to meet professional obligations and employer expectations.

Counsel Assisting sought more information from Ms Butler on remuneration for nurses and carers in aged care, as well as information on the Federation's 'missed care' survey, and how those providers ration care to prioritise 'must do' needs. Ms Butler spent considerable time providing further detail on the reasons care tasks were missed for residents with complex clinical needs. She talked about the 'gaping hole in the Aged Care Act about how you staff against genuine care needs in aged care'.

Session was adjourned until 10am (Adelaide time) on Monday 18 February.

ACSA will be providing alternative evidence to some of the above arguments on 19 February, when Chief Executive Officer, Pat Sparrow, appears at the ACRC.

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