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Online submission

### **FECCA Submission to the Aged Care Quality and Safety Commission (Consequential Amendments and Transitional Provisions) Bill 2018**

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA provides advocacy, develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism so as to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

FECCA has had a longstanding presence in policy and systemic advocacy on ageing and aged care issues for CALD Australians. FECCA is the leading stakeholder in CALD ageing and aged care policy, and has been a significant contributor to a range of collaborations, including the National Aged Care Alliance, and partnerships with other peak bodies, to achieve the inclusion and empowerment of older CALD Australians, their carers and CALD people who work in the aged care industry. FECCA undertook the consultations to inform the National Ageing and Aged Care Strategy for People from CALD backgrounds and was a member of its implementation committee. Currently, FECCA is represented on the Aged Care Sector Committee Diversity Sub-Group where it is working collaboratively with the Department of Health in developing and implementing the Diversity Framework.

FECCA welcomes the opportunity to contribute to the Inquiry into the Aged Care Amendment (Staffing Ration Disclosure) Bill 2018. FECCA gives consent for this submission to be published in whole or in part. For further information, please contact FECCA CEO, Dr Emma Campbell at [emma@fecca.org.au](mailto:emma@fecca.org.au).

### **FECCA's submission to the proposed Bill**

FECCA supports the proposed Bill and the establishment of the Aged Care Quality and Safety Commission. FECCA believes that having a one stop shop for all matters related to quality of aged care and aged care complaints will be beneficial to all consumers including those of CALD backgrounds.

We thank the Department of Health for the invitation extended to participate in the stakeholder consultation held on August 7 in Canberra where FECCA had the opportunity to provide feedback to the Quality and Safety Commission establishment.

FECCA has several concerns with regards to the future roles of the Commission and the Advisory Council and how their work might impact CALD consumers. Our main concerns are outlined below, along the following topics:

### **Role and functions of the Commissioner**

One of the Commissioner's functions will be to work with consumers to design best practice models of consumer engagement that Commonwealth-funded aged care providers can adopt as part of their continuous improvement and compliance. FECCA urges the Commission and the Department of health to consider the needs of vulnerable consumers, especially those of CALD backgrounds and with low English proficiency, when designing best practice models. We know from previous practice that CALD Australians are often left out of the consultation processes because they are frequently perceived as hard to engage with, as they may require interpreting, or may prefer to engage with bilingual workers etc. If the Government wants to make this process truly equitable, it should make it accessible to all. Only through engagement with CALD will the Commissioner be able to develop best practice models for providers.

Secondly, it is unclear from the proposed model who will be responsible, or whether the Commission will have the capacity to investigate complaints in relation to culturally competent care. For FECCA this is an issue because we know from experience that many providers will advertise and offer culturally competent services, while in practice they are not able to provide these services. Also we have seen cases where providers will charge consumers for provision of interpreting services that can otherwise be provided for free under My Aged Care. Currently these types of complaints are dealt only by ACCC. FECCA believes that it will be important that the future Commission has the mandate to investigate these sorts of cases and impose sanctions on providers that are misrepresenting their services or charging excessive fees to clients for services that can be provided for free. FECCA believes that the Commission should not only be focused on and responsible for improving overall quality but also should have particular focus on improving quality of services to special needs groups including CALD.

### **New Advisory Council**

FECCA understands the justification behind transition of the current Quality Agency Advisory Council to the new Commission's Advisory Council as a way of ensuring continuity and stability in the process of transitioning to a new institution. However, FECCA's concern is that the current Advisory Council membership is not reflective of the diverse needs of the consumers. Any future composition of the Council and appointment of new members should be done considering the needs of the consumers, including the most vulnerable ones, so that the Council reflects the role, functions and goals of the newly established Quality and Safety Commission. If the Commission seeks increase consumers' trust in aged care and empower them to feel ownership of the Commission, its advisory body needs to be more reflective of consumers and consumer groups and should have special consideration for the needs of the vulnerable groups in the Australian society. FECCA urges for greater representation of vulnerable groups, including CALD, on the Council.

### **Achieving greater transparency**

Future Commission is expected to ensure that consumers know who to contact, to ask a question and seek an answer in relation to their care. For FECCA, achieving greater

transparency of all matters related to aged care services should be the primary focus of the envisaged policy change.

FECCA expects that the new Commission will make all information in relation to provision of aged care services by aged care services providers publicly available, including staffing-recipient ratios, prices and quality performance. By doing this the Commission will ensure transparency and that the consumers have information available and are able to make informed decisions about the best choice of aged care suitable for them.

### **Complaints resolution process**

According to research from National Seniors Australia 60 per cent of older Australians have never heard of the Aged Care Complaints Commissioner, and 65 per cent feel there are no options to complain<sup>1</sup>. Around 70% have never heard or have no understanding of the role of the Aged Care Quality Agency. But perhaps most alarmingly, 81.4% of aged care recipients have never heard of the Charter of Aged Care Recipients' Rights and Responsibilities! FECCA knows that these percentages will be even higher for CALD Australians.

With the introduction of the Aged Care Quality and Safety Commissioner, there is general expectation that the complaints processes will be simplified by having a one-stop shop for all aged care complaints. For the consumers to understand and fully utilise the benefits of this new service, further promotion and awareness raising will be required, particularly among vulnerable communities. FECCA's Access and Equity to Feedback and Complaints Mechanisms for Multicultural Communities<sup>2</sup> can provide guidance in that regard, as it seeks to assist government departments and agencies to meet their commitments and responsibilities under the Multicultural Access and Equity Policy by ensuring that feedback and complaints mechanisms are accessible to and equitable for CALD consumers.

FECCA also urges the Government to increase site visits in the processes of complaints resolution. Increasing site visits and getting first hand insight will be especially beneficial to CALD consumers who have lower English language literacy, lower aged care literacy, low awareness of the complaints processes, often low trust in institutions and lower rate of complaints due to higher fear of retribution. We have seen from recent evidence that the consumers are unhappy with the current review processes and that they require a change. Simply rebranding the name and not changing the functioning of the system will not be sufficient.

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<sup>1</sup> <https://nationalseniors.com.au/uploads/09183073PAR-RBD18-ResearchReport-AgedCareLiteracy-Web.pdf>

<sup>2</sup> <http://fecca.org.au/wp-content/uploads/2017/12/FECCA-Access-and-Equity-Report-Final.pdf>