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## **National Aged Care Advocacy Framework**

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 thanks the Department of Health for conducting a thorough consultation process to gather feedback on the draft National Aged Care Advocacy Framework (the Framework) to ensure that advocacy services are responsive to the needs of consumers.

### **Advocacy for people from CALD backgrounds**

Australia has a culturally diverse ageing population. In 2011, 36 per cent of Australians aged 65 years and over were born overseas, compared to 26 per cent in the general population.<sup>1</sup> By 2020, 30 per cent of the population aged 65 and over will be from CALD backgrounds.<sup>2</sup>

As defined in the *Review of Commonwealth Aged Care Services*, advocacy is the process of supporting an individual so that their voice is heard.<sup>3</sup> Given the ongoing and frequent changes to the aged care support structure and services, advocacy support forms a crucial element of the broader suite of consumer support. These supports are critically important for people from migrant and refugee backgrounds who may not have the necessary expertise or understanding to navigate aged care support services in a consumer centred and market driven service model.

A nationally consistent advocacy program is vital in the current aged care context, however, it is important to bear in mind that the consumer should be at the centre of the Framework and as a result, it should be flexible enough to accommodate the demographic, cultural, religious and linguistic needs of different consumer groups.

Throughout consultations, stakeholders noted the importance of supporting marginalised consumers (e.g. those from CALD backgrounds, Aboriginal and Torres Strait Islander people, those with disabilities, those experiencing (or at risk of experiencing) elder abuse, etc.). In particular, addressing barriers to access and

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<sup>1</sup> Australian Bureau of Statistics, *Reflecting a Nation: Stories from the 2011 Census* (2012-2013).

<sup>2</sup> FECCA, *2020 Vision for Older CALD Australians*, available at: <http://fecca.org.au/wp-content/uploads/2015/11/FECCA2020Vision.pdf>

<sup>3</sup> Department of Social Services, *Review of Commonwealth Aged Care Advocacy Services* (December 2015), 50.

providing a culturally safe and sensitive service to such consumers and communities was felt to be of vital importance.<sup>4</sup>

The Framework should clearly recognise that the role of advocacy services vary from community to community and therefore, endeavour to ensure that there is equity in access as well as equity in experience across Australia, irrespective of a person's cultural background or geographical location.

The concentration of post-war immigrants in major cities means that the representation of Individual CALD groups in rural communities is relatively small, posing the challenge of providing culturally appropriate services to small numbers.<sup>5</sup>

It is encouraging to note that the advocacy programs for disability and aged care will be aligned to maximise efficiency. This will ensure that the advocacy services have consistency across different service models and limit repetition of work for consumer advocates.

Currently only a small number of ethno specific advocacy service providers operate in Australia and these providers are approached by community members to redress a range of crisis and non-crisis related issues. Due to the capacity, resources and strain on the existing advocacy services, they rightfully prioritise advocacy for those in crisis situations such as homelessness and neglect, which may result in delaying service delivery for people who require assistance with other non-crisis related advocacy needs such as navigating the aged care or disability support systems, lodging formal complaints in relation to services, accessing community services and the like.

An older person may have multiple advocacy needs when they seek assistance from an advocate. Under the current advocacy framework, certain advocacy bodies are only funded to assist people who are already in receipt of aged care services. This will disadvantage many people who need assistance. For example, people may not be able to access services of an advocate to navigate aged care services or to lodge formal complaints about the issues that they encounter when accessing My Aged Care. This may result in people not receiving adequate supports to get a better outcome through the aged care system or not making complaints about issues that they are faced with. In such situations, some advocacy bodies provide services without the necessary financial capacity or resources. The Framework should acknowledge that issues of older people do not exist in silos and that advocacy services must be appropriately and adequately funded to provide a range of necessary advocacy services.

### **Intersections between the disability and aged care sectors**

There are many similarities between the service models of the disability and aged care sectors. Given this, FECCA supports aligning advocacy services for the two sectors, and encourages the identification of avenues to ensure that advocacy bodies are appropriately funded to provide crisis and non-crisis related advocacy services.

Learning and adopting strategies from other parallel service systems can be efficient and less resource intensive. With the recent national roll-out of the National Disability Insurance Scheme (NDIS), there will be considerable overlap of services delivered under both the aged care and disability sectors including advocacy services.

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<sup>4</sup> Department of Social Services, *Review of Commonwealth Aged Care Advocacy Services* (December 2015), 58.

<sup>5</sup> Rhonda Nay, Sally Garratt and Deirdre Fetherstonhaugh, *Older people: Issues and Innovations in Care* (2014), 63.

As of 30 June 2016, the participation rate of people from CALD backgrounds within the NDIS remains 4 per cent.<sup>6</sup> This is low considering that participants from CALD backgrounds should represent between 18 to 25 per cent.<sup>7</sup> It is imperative that the aged care sector is cautious of this under-representation of people from CALD backgrounds when seeking to learn from advocacy services in the NDIS.

The consumer groups that are supported by services are vastly different under aged care and the NDIS. The NDIS is available to a limited number of people with specific disabilities, whereas, aged care services are available to any person over the age of 65 years (over 50 years for people from Aboriginal and Torres Strait Islander backgrounds). The funding ratio, resource allocation and other factors will have an impact on the services delivered under the two service structures and should be taken into careful consideration in drawing parallels between the two systems.

### **Design and development of the Framework**

FECCA is pleased that the Department plans to collaborate with advocacy providers and key stakeholders to develop the Framework.<sup>8</sup> Considering the diversity of the consumer groups, FECCA recommends proportionate engagement of stakeholders from all priority groups, including stakeholders from CALD backgrounds, in this consultation process.

A clear timeline must be incorporated into the design and development of the Framework with a reporting mechanism through which the relevant stakeholders are kept up to date on the developments.

The current Framework heavily focuses on individual advocacy related aspects, which benefit the consumers in a market-driven consumer oriented aged care service setting. However, it is important for the Framework to place equal emphasis on provision of information and referrals. The Framework must also highlight the need for supports in relation to education and outreach. These two aspects of advocacy are particularly important for older people from migrant and refugee backgrounds.

The Framework should encompass a strategy through which the advocacy organisations are funded to provide outreach and educational activities targeting hard-to-reach and marginalised groups of people, and to educate other service providers about the supports that they are eligible to access when delivering services to people from CALD backgrounds.

It is encouraging to note that the draft Framework identifies language barriers for people from CALD backgrounds, and ensures continuous provision of language services by providing access to Translation and Interpreting Services (TIS National) for NACAP providers. Often the service providers are not aware that they have access to TIS free of charge. It is imperative to make such information widely available for the benefit of both the advocacy service and the consumer.

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<sup>6</sup> National Disability Insurance Agency, *Quarterly Report to Council of Australian Governments Disability Reform Council 30 June 2016*, 22, accessible at: <https://www.ndis.gov.au/about-us/information-publications-and-reports/quarterly-reports>

<sup>7</sup> See further: FECCA, 'Access and equity in the context of the NDIS' (June 2015), accessible at: <http://fecca.org.au/wp-content/uploads/2015/06/Access-and-Equity-in-the-Context-of-the-National-Disability-Insurance-Scheme-June-2015.pdf>

<sup>8</sup> Department of Health, *Draft National Aged Care Advocacy Framework* (2016), 1.

With the development of market driven support systems, there are many emerging trends including the services of 'paid advocates' who assist people to navigate the complex support systems for a fee. For older people, especially those coming from a migrant or refugee background, the distinction between a paid advocate and an advocate providing services under the National Aged Care Advocacy Program (NACAP) may not be clear. Thus, proactive measures must be adopted to regulate these paid services and to ensure that the difference between the services of a paid advocate and a NACAP provider are clear to consumers.

Considering the ongoing nature of the consumer directed aged care system, it is important for advocacy services to build the capacity of the individuals to become empowered consumers who are effective self-advocates. This could include education about consumer laws, laws in relation to trade practices and other related rights and obligations. Information should also be provided in relation to complaint and feedback mechanisms and frameworks including the Commonwealth Aged Care Commissioner.

FECCA encourages shifting the language in legislation and other formal communications including the Advocacy Framework from 'special needs groups' to 'diverse priority groups'.

### **Contents of the Framework**

Considering the importance of the Framework, the breadth of supports provided to consumers and the intention to design a uniform, nationally applicable Framework, FECCA recommends the inclusion of an overarching statement within the Framework that acknowledges the diversity of Australia's population and the importance of flexibility to respect and accommodate the needs of individuals through the Framework.

The Framework must acknowledge that it is based on a human rights model and refer to the relevant domestic and international legal instruments.

At the very outset of the Framework, the document should clearly acknowledge the importance of cultural sensitivities and cultural appropriateness of advocacy service delivery, to assist minimising and ultimately eliminating barriers faced by older people from priority groups, including people from CALD backgrounds, when accessing aged care services.

FECCA has highlighted that people from CALD backgrounds including older people, have lower rates of access to services.<sup>9</sup> This can be attributed to lack of information about the services, reliance on family or community members to assist them navigate these processes, and lack of clarity in relation to cost of services including language services.

When providing language services to older people from migrant and refugee backgrounds, it is important to understand the needs and demographics of different communities, and identify and target language groups that would benefit most, especially when translating written materials.

English language capacity influences access to and use of services, and this also differs between birthplace groups. More than 70% of people aged 65+ from China

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<sup>9</sup> FECCA, *Multicultural Access and Equity: Building a cohesive society through responsive services* (2015), accessible at: <http://fecca.org.au/wp-content/uploads/2015/08/Multicultural-Access-and-Equity-Report-2014-2015.pdf>

and Vietnam do not speak English well compared to less than five per cent of people aged 65+ from the Netherlands and Germany.<sup>10</sup>

Informal advocacy should be given due consideration within the Framework, as informal advocacy is particularly important in CALD communities. Measures could be adopted to educate CALD consumers, community leaders, family members and carers of older people from CALD backgrounds about relevant services, rights and entitlements. While FECCA does not subscribe to a complete reliance on informal advocacy, it should still be recognised and supported as an important component in a holistic advocacy model.

Through 'group advocacy', there is an opportunity for a group of service users to come together to address shared issues, so its scope is broadly looking at wider collective concerns.<sup>11</sup> This is an important form of advocacy for people from non-English speaking backgrounds to raise their concerns. Therefore, it is important to identify group advocacy as an integral form of advocacy within this Framework.

Building the capacity of community groups that support older CALD people, such as multicultural and ethno-specific community organisations, will help to identify those who are vulnerable and support them to navigate the aged care system.

As per the draft Framework, in order to maximise service, there is some discussion in relation to consider reaching those living in rural and remote areas through potential use of digital platforms. Although this may be a cost effective exercise, it may further marginalise people in rural and remote areas with limited access to computers and internet as well as those who are not computer literate. The Framework should identify other equitable and practical mechanisms for maximising service reach in addition to the digital platforms.

FECCA supports the establishment of a network for NACAP providers to share information, resources and learnings, provided there are appropriate monitoring and moderating mechanisms in place. This will create an environment where the providers will be able to access information and understand different cultures and effective communication mechanisms, especially considering the diversity within the different CALD communities. A process of this nature will feed into systemic advocacy as suggested in the Framework; however, other avenues for systemic advocacy must be identified and highlighted within the Framework.

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<sup>10</sup> FECCA, *Review of Australian Research on Older People from Culturally and Linguistically Diverse Backgrounds* (2015), 6-7, accessible at: <http://fecca.org.au/wp-content/uploads/2015/06/Review-of-Australian-Research-on-Older-People-fromCulturally-and-Linguistically-Diverse-Backgrounds-March-20151.pdf>

<sup>11</sup> Tom Wilks, *Advocacy and Social Work Practice* (2012), 31.

## **Recommendations**

Engage stakeholders from CALD backgrounds proportionately in the design and development processes of the Framework.

Incorporate a clear timeframe for the design and development of the Framework.

Implement necessary measures to ensure that learnings from parallel support systems have positive implications on the Framework, especially in terms of participation of people from diverse backgrounds including people from CALD backgrounds.

Design and implement a regulatory framework for advocacy and other service providers to ensure transparency in relation to service fees (where applicable) and the obligations on the part of the advocacy service providers in relation to accountability and other legal and human rights obligations.

Ensure the advocacy services are adequately equipped and resourced to build capacity of the individuals to become empowered consumers who are effective self-advocates.

Adopt practical and properly resourced measures to enhance cultural competency in service delivery.