

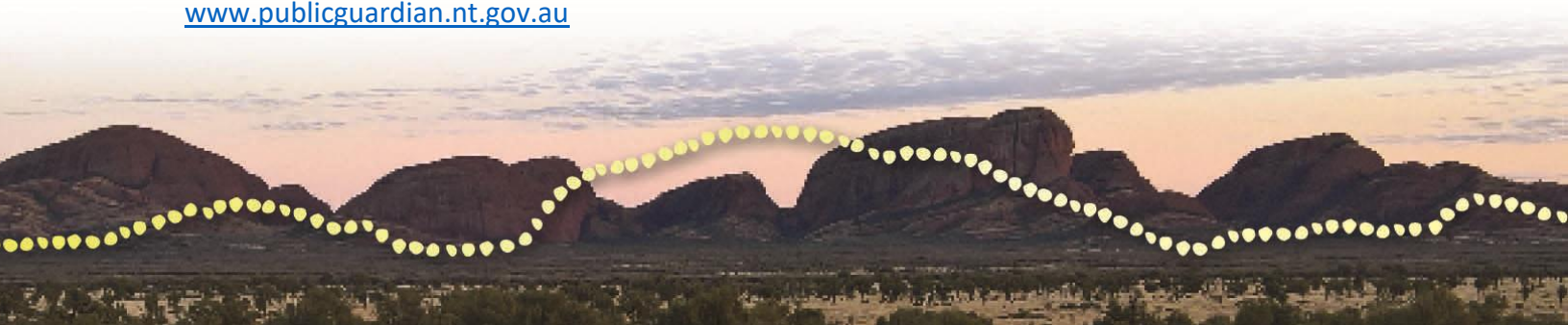


Northern Territory Office of the Public Guardian Submission to the Royal Commission into Aged Care Quality and Safety

AGED CARE PROGRAM REDESIGN: SERVICES FOR THE FUTURE Consultation Paper 1

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Introduction

The Northern Territory Office of the Public Guardian appreciates the opportunity to provide a submission to the Aged Care Program Redesign Consultation Paper released by the Royal Commission into Aged Care Quality and Safety. Initiatives that encourage and support a better life for older Australians, but specifically target to the unique Northern Territory situation, are strongly supported by the Office of the Public Guardian.

The Office of the Public Guardian is committed to providing adult guardianship services, information and advocacy that is responsive to the needs of the Northern Territory community and reflects contemporary, best practice guardianship principles within a human rights framework.

Established under the *Guardianship of Adults Act 2016*, the Office of the Public Guardian provides a legal decision-making framework for adults with impaired decision-making capacity in relation to their personal or financial matters. The definition of impaired decision-making capacity under the *Guardianship of Adults Act 2016* is broad and captures adults with a cognitive impairment from any cause including mental illness, dementia, intellectual disability or acquired brain injury.

The *Guardianship of Adults Act 2016*, recognises the overall wellbeing, human rights and fundamental freedoms of persons with impaired decision-making capacity and aligns with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD's purpose is to "promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity". Article 5 of the UNCRPD directs equal recognition of all persons and prohibits discrimination on the basis of disability.

The Northern Territory context

The Office of the Public Guardian teams are located in Darwin and Alice Springs and are responsible for providing guardianship services to approximately 570 adults represented by the Public Guardian. Compared to other jurisdictions, the Northern Territory has the lowest number of adults under guardianship orders; however, has the highest percentage of the population under guardianship.

While most Territorians live in regional centres, a significant number live in remote and very remote areas. Due to the sparse population, harsh climate and rough terrain, Aged Care supports and services in many parts of the Territory are limited. The Northern Territory's transient population also impacts on the retention of the skilled workforce as capable individuals have many alternate options elsewhere in Australia. The high cost of living in the Northern Territory is an additional challenge for those in the low socio-economic circumstances.

The Northern Territory population is composed of many Culturally and Linguistically Diverse groups. Approximately 78 per cent of people involved with the Office of the Public Guardian identify as Aboriginal or Torres Strait Islander. Many speak English as a second or third language with a significant number living in remote communities. The Office of the Public Guardian has observed a disconnect between country and culture, with a high level of represented adults that identify as Aboriginal and Torres Strait Islander experiencing significant difficulties in receiving appropriate support services in remote communities.

A function of the Public Guardian is to advocate for adults with impaired decision-making capacity by promoting understanding and awareness of relevant issues. The Royal Commission into Aged Care Quality and Safety provides a unique opportunity to address systemic failures, which has led to poor quality of care for older Australians.

Principles for a new system

The Office of the Public Guardian supports the principles outlined in the consultation paper for a new aged care system, and advocates for human rights-based approaches to be embedded in the foundations of any new design that may be considered for the Australian aged care system.

Actions that could be undertaken by the Royal Commission to ensure any redesign of the aged care system is made simpler for older people to find and receive the care and supports they need include;

- Community consultations, additional work is needed to ensure that the community consultations reach all members, actively reaching out to ensure all have a voice.
- The development of community services for both disability and aged care needs to be undertaken in unison.
- Person centred approach to specifically tailor appropriate service responses.
- Streamlining and simplifying accessibility for aged people and their supporters.
- Address accessibility issues for remote Australians, Aboriginal and people from Culturally and Linguistically Diverse Backgrounds.
- Flexible service models that can adequately meet the demand.

Information, assessment and system navigation

The benefits in ensuring an older person is supported when accessing aged care services is immeasurable. The Office of the Public Guardian agrees that the new aged care system should include culturally respectful face-to-face support services at the entry point to aged care. These face-to-face meetings should also be undertaken when a change of program is to occur. Such a commitment would empower older Australians by ensuring their involvement and contribution in the planning around their care and services that are available while also providing a platform where their views and wishes can be captured.

In providing this face-to-face service, cultural backgrounds and possible supports that may be required such as a family member or an interpreter should be at the forefront in preparing for these meetings. It is essential that information is communicated in a clear and respectful manner.

The inclusion of care finders to assist in linking services that meet their care needs and support people to oversee their care plan at a local level would be an important feature of a new aged care system and ensure older Australians are receiving the services they need.

The Office of the Public Guardian encourages the availability of support services who will reach out to older Australians to ensure they are aware of the entry point to access aged care services, and assist in decision-making.

Entry-level support system

The development of entry-level support streams in the Northern Territory is essential in ensuring that older Australians are assisted in continuing to live in their own homes. The Office of the Public Guardian agrees with the Royal Commission's suggestion that access to basic supports such as meals, transport, social support and centre-based activities, domestic assistance, home maintenance and minor home modifications or assistive technologies should be based on simple screening rather than full assessment.

Investment stream - Respite

Respite and restorative care for both carers and older people are core aspects of the aged care system and are in serious need of further investment in the Northern Territory to encourage sector growth and support of the development of the current service base. Respite needs to be flexible and adaptable to meet the needs of a diverse range of people across multiple settings.

Care stream

The Office of the Public Guardian has observed that the majority of represented adults wish to remain in their own home where they are connected to place, family and culture, with the supports that are necessary for as long as possible. However, the limited provision of services in remote and regional communities means those needing aged care support are required to move away from country to access services. While some services are Indigenous specific, a significant number of Aboriginal and Torres Strait Islander people live in mainstream facilities where culturally appropriate activities are not always available.

When these represented adults are moved to the nearest regional centre, such as Darwin or Alice Springs to access adequate services, this inadvertently separates them from kinship ties, culture and country. This adversely affects the person's health and well-being. Their experience of isolation often exacerbates behaviours of concern as they are not where they want to be. While relocating a person to a better-serviced regional centre aims to meet their physical needs, improvement in overall wellbeing is often compromised. This experience is not limited to those that identify as Aboriginal and Torres Strait Islander.

Specialist and in reach services

The Northern Territory Office of the Public Guardian strongly advocates a future aged care system that recognises, embraces and supports Australia's multicultural society.

For many Aboriginal and Torres Strait Islander people in the Northern Territory, English is not their primary language and is seldom used. Therefore, when Aboriginal and Torres Strait Islander people relocate to regional centres, the language barrier may be challenging. The Office of the Public Guardian notes that the use of accredited interpreters for represented adults is infrequent and may compromise; effective communication, the ability to seek the views of the aged care resident, the ability to obtain informed consent to medication or treatment, the ability to design appropriate individual care plans and communication with family members. A particular need exists around effective communication to conduct culturally appropriate end of life discussions with family members, who frequently live a significant distance from the aged care resident.

The Office of the Public Guardian understands the complications encountered when finding appropriate placements that address the level of care required for this cohort of represented adults, however notes the importance of the encouragement and support that is required for the growth of appropriate support services and accommodation to avoid younger people with a disability living in aged care facilities.

Designing for diversity

The Office of the Public Guardian advocates for an aged care system that is equitable and recognises and provides for the needs of all diverse backgrounds.

The development, and uses when available, of a range of flexible housing options and support services would assist in addressing the lack of support and accommodation options experienced in regional and remote communities. We encourage early consultation during initial stages of planning when designing housing in these areas, as this would allow aged care packages to take effect more efficiently. While the Office of the Public Guardian has explored options that involve modifying existing housing to assist represented adults returning to their home community, the lack of access to support services presents additional challenges in obtaining this goal. Homelessness of older Australians requiring services needs to be acknowledged and addressed when considering a new aged care system.

Under the Guardianship of Adults Act 2016, the Public Guardian is required to seek to obtain the adult's current views and wishes, as far as is practicable to do so. It is through this process that represented adults repeatedly voice their desire to visit family and community. In developing the new aged care service, consideration should be given to enabling older people to maintain contact with country and culture in any way possible. The Office of the Public Guardian recommends that support's for older Australians have an external focus which take into account community access etc, as opposed to the very internal focus which has been adopted by the current aged care system.

Financing aged care

The Office of the Public Guardian advocate for a new aged care system based on equitable principles that does not disadvantage older Australians with unique circumstances. A serious investment into the aged care sector is required as the current level of funding is not sufficient and does not address the need for expansion in this area. It is acknowledged that there are challenges, however the expectation that no older Australian live in sub-standard conditions, be homeless or in poverty must be met.

Quality regulation

The Office of the Public Guardian would support the creation of a multi-faceted compliance regime that would ensure the services provided under a new aged care model is delivered to a high standard of quality and safety. An independent overseeing body that has the ability to provide real consumer protection with associated penalties for non-compliance would assist in assuring the community that the services provided under this model are accountable for the delivery a high standard service.

The use of restrictive practices may infringe on a person's human rights. In the redesign of the Australia's aged care program, the Office of the Public Guardian advocates for the use of restrictive practices to be highly regulated and monitored with the view of being used rarely, if not completely irradiated.

The inclusion of a Community Visitor Program or an equivalent service would be an option to consider and assist in identifying issues of concern and preventing abuse and neglect of older Australians.

Conclusion

With Australia's ageing population, it is critical that Australia's aged care services are underpinned by a human rights based approach. The Northern Territory Office of the Public Guardian again thanks the Royal Commission into Aged Care Quality and Safety in providing an opportunity to give input towards the redesign of Australia's aged care program.