

Aged Care

Preamble

1. Congress recognises the landmark Royal Commission into Aged Care Quality and Safety and its calls for comprehensive and urgent reform to an aged care system in crisis. Congress recognises the Royal Commission provides a once-in-a-generation opportunity to make Australia's aged care system world-class.
2. Reform to Australia's aged care system presents an opportunity for Government to address other key objectives, including gender equality and an adaptable care and support economy.
3. Congress acknowledges the significant reform agenda that has begun since the Final Report was handed down, but that there is still much work to do. Government must work constructively with workers, older people, providers and unions to continue implementing the Royal's Commission's findings. Reform of the Australian aged care system must prioritise:
 - a. A highly and diversely skilled, and valued, workforce with fair pay and safe working conditions;
 - b. Consistently safe and high-quality care that meets the rights and needs of the older person.
 - c. Funding that meets care needs and delivers services in the place of a person's choosing;
 - d. Transparent and effective regulation;

The Aged Care Workforce

4. Without aged care workers, there is no aged care system. In 2022, CEDA forecast an annual shortfall of 30,000 to 35,000 direct care workers, and a cumulative shortfall of 110,000 workers by 2030. Aged care remains in the grip of a staffing crisis. Congress calls for the aged care system to have enough people with the right skills, training and qualifications to provide consistently safe and high-quality care. The aged care workforce must be of a size and skill mix that it can meet the independently assessed needs of our ageing population, in the setting of the individual's choosing.
5. Congress recognises that aged care is competing with other social and health care sectors to attract and retain workers. Reforms for the aged care workforce must improve its wages and conditions so that prospective and current employees see aged care as a valued and viable long-term career. Since the Royal Commission, there have been positive workforce reforms to improve wages and conditions, and safe and quality care. While progress has been made, there are high-priority areas that Government must continue to address as a matter of urgency.

Safe Staffing and Quality Care

6. Australia's aged care sector is indisputably understaffed with workers having little support, few resources, and limited recognition by providers. Workloads in aged care are often unmanageable and can increase risk for workers and care recipients alike.
7. A world-class aged care system is one that captures whole of person needs – clinical, physical, social and emotional. To deliver this holistic model of care a large, stable and diversely qualified workforce is required. Aged care providers must be required to increase their staffing levels and skills mix to deliver safe quality care for older Australians.
8. Higher levels of staffing and better skills mix would improve holistic, person-centred care in line with the care recipient and community expectations. In times of crisis, it would ensure preparedness, safety, and greater support for older Australians and workers. It would include better infection control, continuity of care and health outcomes, as well as greater support to staff.
9. Congress recognises the introduction of 24/7 Registered Nurse and mandated care minutes in aged care. Safe staffing levels and standards are critical to improving quality and ensuring safety for older

people and workers. However, Congress acknowledges that additional reforms are required to build on the care minutes and deliver the relevant Royal Commission recommendation to its full intended purpose.

10. Congress highlights the significant and widespread reduction in Enrolled Nurse care minutes within the sector. Enrolled Nurses are highly trained and skilled health professionals with extensive experience in health and aged care delivery. Aged care providers must be held to account to ensure this reduction is stopped. Along with the current specified care minutes for Registered Nurses and care workers, legislation must be adjusted to also include specified mandated care minutes for Enrolled Nurses’.
11. Allied health professionals are an essential part of providing person-centred, reablement and holistic care to older Australians. Despite this, allied health professionals are often left out of the skills mix in aged care. This has been exacerbated by the absence of mandated allied health staffing levels and inadequate funding. Where allied health professionals are involved in the provision of care, constraints outside their control, such as funding and workforce planning, mean they are not utilised to their greatest capacity. Congress supports measures that will attract and retain a diverse mix of allied health professionals to aged care and ensure they are thought of as essential in workforce and care planning.
12. Congress recognises that holistic and person-centred aged care requires a workforce with skills beyond direct care. Non-direct care staff work in a range of essential services, including cooking, cleaning, laundry, administration, gardening, maintenance, and recreation and lifestyle. Funding and legislation must support diversely skilled workforces, including robust structures and protections for worker voice. Congress calls on the Federal Government to ensure that support staff receive a wage increase to reflect the value of the important work they do. This work must be adequately valued, compensated and recognised as part of a wider care-team approach to providing high quality care.
13. Congress acknowledges that many providers are failing to meet the 24/7 Registered Nurse and mandated care minutes requirements for nurses and personal care workers (however named). Meaningful enforcement action must be taken by the system governor and regulator to compel providers to meet required and safe staffing levels. Congress calls out the unacceptable inaction of the regulator in enforcing mandated care minute requirements. The regulator must promote a culture of safety and quality by enforcing workforce standards and compliance in providers.
14. To ensure providers meet safe staffing levels and a skills mix, legislation must also be introduced that mandates transparent reporting requirements on:
 - a. a facility’s workforce planning practices;
 - b. staff levels to care needs profile; and
 - c. associated staff training requirements.

Qualifications and Training

15. The absence of formalised minimum training and qualification standards in aged care undermines the skills and value of aged care workers, and the consistent delivery of high-quality quality. Personal care workers, for example, are the largest cohort of aged care workers, and an essential part of the sector. Despite the Royal Commission recommending a positive registration scheme for personal care workers, only punitive and exclusionary workforce regulation measures have been introduced.
16. A positive registration scheme includes a mandatory minimum qualification (Certificate III); ongoing training requirements; criminal history screening; a code of conduct and power for a registering body to investigate complaints into breaches of the code of conduct and take appropriate disciplinary action, with due process and procedural fairness for any workers being investigated. Together, these five elements facilitate workforce development, attraction, retention, and quality and safety assurance.
17. Congress calls for the introduction of a positive personal care worker registration scheme that captures the above elements and ensures workers are supported to achieve qualification and training standards through generous grandparenting and recognised prior learning during implementation.
18. Aged care staff report a dearth in specialised training for specific care areas (e.g. dementia, infection prevention and control, fall prevention, palliative care) and do not receive adequate training and supported continued professional development in these areas. As older Australians enter residential

care later in life with increasing comorbidities, it is essential that those responsible for care provision are supported to enrich their skill set and provide evidenced based care.

19. Allied health and nursing students and graduates often face a lack of available clinical supervision, lower wages than in other health care settings, indirect and insecure employment such as agency and sole-trader arrangements, and fewer long-term career pathways. These factors can deter allied health professionals and nurses from choosing to work in aged care. Students and early career health professionals must have visibility and supported access to careers and supervision in aged care.
20. Employer supported continued professional development and regular support and supervision for staff can play an important role in elevating job satisfaction and wages, thereby reducing staff turnover and vastly improving care outcomes. Instead, there is a sectoral culture of placing the onus of responsibility on individual workers to upskill. Workers are often required to pay for training and qualifications themselves and to undertake training and study on unpaid time. In conjunction with the absence of mandated qualifications and continued professional development, workers rather than providers bear these costs.
21. Aged care workers must be enabled to undertake training and education which is consistent with the assessed needs of the care recipient cohort, includes both mandatory and non-mandatory learning opportunities, enables nurses and allied health professionals to comply with professional registration requirements, and enables career and wage progression.

Gender and Work Value

22. Aged care wages are low, particularly in comparison to other health and social care sectors, and have never been appropriately valued. Low wages contribute to poor attraction and retention in aged care and reflect the gendered undervaluing of care work, based on persistent, damaging perceptions that it is unskilled labour to be carried out by women. Gendered undervaluation of care work is one of the biggest drivers of low wages.
23. Congress supports the work value applications to the Fair Work Commission made by aged care unions to rectify the historic gendered undervaluing of aged care work and increase wages. Improved wages in aged care and across the care and support economy will promote women's economic equality more broadly and help to reduce the pay gap between female dominated sectors and the rest of the economy.
24. Congress calls on the Government to continue its commitment to funding any current and future work value wage increases made by the Fair Work Commission. Congress calls on the Government to ensure that all funding provided for increased wages is expended by providers for this intended purpose.

Cultural and Linguistic Diversity and Safety

25. As the population ages, it is important that everyone has fair and equal access to aged care that meets their individual needs and upholds their rights. This includes care and services that reflect the diversity of our society, including Aboriginal and Torres Strait Islander peoples, cultural and linguistically diverse communities, and members of the LGBTQIA+ community. Congress calls for reform to aged care that ensures every person has access to services that meet their individual needs, including ageing in place and on country, care in language or with support to access language and translation services, and care free from all forms of discrimination and harassment.
26. Just as aged care recipients are diverse, so is the workforce. Diversity, equity and inclusion are essential components of a sustainable, safe and high-quality aged care workforce. Aboriginal and Torres Strait Islander peoples, migrant workers, and women from culturally and linguistically diverse backgrounds make up a significant portion of the aged care workforce. It is essential to address the unique workforce development needs of these groups and ensure that they have equal and fair access to career opportunities. A diverse workforce is required to provide culturally safe care to diverse older people including a workforce that is representative of Aboriginal and Torres Strait Islander peoples, LGBTQIA+, and culturally and linguistically diverse workers. It is equally important that workers themselves feel safe and supported in the workplace and that safety is actively promoted as a means of retaining and valuing the workforce.

Home and Community Care

27. An increasing number of older Australians are choosing to remain in their own homes as they age. This has led to a greater focus on the provision of aged care services in home and community settings. Despite increased demand for care delivered in the home and community, regulation and workforce development has not kept pace.
28. Home care work is characterised by underemployment, broken shifts, irregular hours of work, cancelled shifts, requirements to be available for long periods of time with only a few paid hours, unpaid (or poorly paid) travel time, unpaid training and administrative tasks, poorly managed occupational health and safety risks, a lack of training and supervision, and poor opportunities for career progression. Congress recognises that the creation of well-paid, high-quality home care jobs is essential to attract and retain workers in the sector, and to meet the growing demand for home care services. Congress recognises the increasing presence of online platforms operating in aged care, particularly home and community care, where workers are engaged as gig-workers. Gig-work is increasingly being promoted as the solution to workforce shortages especially in areas with limited service availability. This is despite gig-work increasing the responsibilities and liabilities on workers and older people using these services. Gig work does not support decent wages and conditions. As care work is relational work, it is important that work arrangements facilitate continuity of care. Gig-work undermines the relationship between quality jobs and quality care.
29. Ensuring the quality of home and community care services requires investment in stable, local services. Local government providers should not be penalised for their commitment in providing secure employment and exceptional care to vulnerable older people in the community. Congress calls for the aged care system to ensure that all providers entering the market are able to meet the needs of in home aged care service recipients and meet legal standards prior to being contracted to deliver these services. Worker continuity is key to quality service and as such maintaining high quality workers' pay and conditions is a key factor. Local governments are best-placed to offer quality services and quality jobs.

Effective Regulation

Adequate Funding and Staff for the Regulator

30. The Aged Care Quality and Safety Commission (the ACQSC) is the regulator for the aged care sector. Due to underfunding, understaffing, over reliance on labour hire and poor management it has failed to properly regulate the sector and its providers. This has led to market and profit driven shortcuts, and abuse and neglect as highlighted by the Royal Commission. The ACQSC has outsourced significant portions of its responsibilities to private providers through its Third-Party Provider business model that sees contractors now providing training to aged care facility assessors as well as providing contact staff to undertake assessments. These contractors are not provided the time and resourcing to undertake assessments adequately.
31. No staff, contractor or otherwise, are provided adequate tools or allowed to use their full powers to ensure the safety of the sector and ultimately the quality of the Sector continues to fall short. Across the ACQSC excessive workloads and the pressure to 'close cases' is leading to worker burnout and injury, as well as leaving vulnerable older Australians at increased risk of harm. All Australians deserve an aged care regulator that is effective and proactive.
32. Aged care workers have intimate and invaluable knowledge and experiences of their work and care environment. Despite this, the regulator does not value workers first-hand knowledge and rarely takes regulatory action to address and rectify workforce issues, such as non-compliance with staffing and care minute requirements. Workers are not empowered to speak up and contribute to the regulation and improvement of the sector.

33. Providers must have clear, fair, transparent reporting mechanisms that encourage workers to make reports and protect them when they do. The regulator must increase its capacity and emphasis on workforce issues. Providers that breach workforce standards must be subject to penalties and enforcement action.

Fair and Transparent Funding

Transparency and Accountability for Government funding

34. Aged care, like the National Disability Insurance Scheme, is primarily Commonwealth funded and regulated. Despite this, the Commonwealth has not, historically, ensured transparency in the sector or compelled the regulator to be visible and effective. To ensure transparency and effective, evenly applied regulation, all providers of aged care services should be registered.
35. There is a lack of transparency and accountability for spending in aged care, despite the significant amount of taxpayer subsidies provided. Well targeted aged care reforms can only be achieved if we know how the Commonwealth money provided to the sector is being spent. Compelling providers under legislation to be transparent about how they allocate public funds must be a priority for Government; as it is for older Australians, aged care workers and the wider community. There should be no ambiguity as to how taxpayer money is spent.
36. Aged care providers that receive substantial taxpayer dollars from the Government, including those that operate in highly-profitable private models must be required by law to meet higher standards of financial transparency and public accountability. Congress calls for continuing legislative changes that improve financial and broader transparency.

Adequacy of Funding and the Impacts of the Funding Model

37. Despite welcome improvements to funding under the ALP Government, aged care remains in need of additional funding to make up for years of substantial cuts under the Coalition Government. Workers in the sector remain underpaid and undervalued and a significant funding injection is needed in order to address this issue.
38. Unions are also concerned that any introduction of a funding model which places greater emphasis on a 'user pays model for aged care would represent a failure to deliver equity and would be at risk of creating a two-tier system where richer Australians receive significantly better care. Reforms in this sector should be aimed at raising the standard of care received universally.