

**PARLIAMENTARY INQUIRY QUESTION ON NOTICE**

**Aged Care Quality and Safety Commission**

**Senate Select Committee on COVID-19**

**Australian Government's Response to the COVID-19 Pandemic**

**Written Question from 21 August 2020**

**PDR Number: IQ20-000519**

**ACQSC – Victoria and number of complaints**

**Written**

**Senator:** Kristina Keneally

**Question:**

Can the ACQSC explain what is the threshold for 'Notice to Agree'?

How many regulatory actions, including 'Notices to Agree', have been issued in Victoria since 1 June 2020? Please provide the names of those residential aged care facilities that have been issued a regulatory action(s) including a 'Notice to Agree' and the date(s) the 'Notice to Agree' was issued.

How many Victorian residential aged care facilities and/or service providers have had a sanction applied since 1 June 2020 and what were they for and what is the penalty for each sanction?

Is the ACQSC confident that it has identified those Victorian facilities where there was a high level of risk of non-compliance from 1 March to 12 August? Please detail what work has been undertaken to identify these residential aged care facilities.

Can the ACQSC confirm the name of the facilities that were identified as being high risk and if any regulatory action was issued? Can the ACQSC confirm if the issues identified have all been fully rectified?

How many inspections, visits, assessments and unannounced visits have been undertaken in Victorian residential aged care facilities since 1 June 2020? Please provide the number as a total and the name of each residential aged care facility.

Can the ACQSC please provide the number of complaints received by care type for each state and territory from 1 January to 12 August, 2020. Can these complaints be broken down by topic, issue or concern?

**Answer:**

The circumstances for issuing a Notice of Requirement to Agree to Certain Matters (referred to as a Notice to Agree) include where:

- the Aged Care Quality and Safety Commissioner (the Commissioner) is satisfied the provider's non-compliance poses an immediate and severe risk to the safety, health and well-being of care recipients
- the provider has failed to give an undertaking to remedy their non-compliance
- the provider failed to comply with an undertaking to remedy their non-compliance
- the provider made submissions in response to a non-compliance notice that are unsatisfactory.

There have been 17 Notices to Agree (NTA) issued in Victoria between 1 June and 24 August 2020. Details are in the below table.

| <b>Service</b>                           | <b>Date issued</b> |
|--|--------------------|
| Essendon Aged Care                       | 16-Jul-20          |
| Estia Health Heidelberg West (Vic)       | 21-Jul-20          |
| St Basil's Home for the Aged             | 26-Jul-20          |
| Estia Health Ardeer                      | 26-Jul-20          |
| Epping Gardens                           | 28-Jul-20          |
| Kirkbrae Kilsyth Hostel and Nursing Home | 29-Jul-20          |
| Outlook Gardens                          | 29-Jul-20          |
| Baptcare Wyndham Lodge Community         | 30-Jul-20          |
| Glendale Aged Care                       | 30-Jul-20          |
| Rosehill Aged Care Facility              | 4-Aug-20           |
| Kalyna Care                              | 5-Aug-20           |
| Cumberland Manor                         | 6-Aug-20           |
| Aurum Plenty                             | 9-Aug-20           |
| Twin Parks Aged Care                     | 9-Aug-20           |
| Japara Goonawarra                        | 9-Aug-20           |
| Glenlyn Aged Care Facility               | 12-Aug-20          |
| Florence Aged Care Facility              | 12-Aug-20          |

All services issued with an NTA in Victoria (as listed above) were rated as severe and immediate risk. These NTAs remain in place. All NTAs are made publicly available on the My Aged Care website.

No sanctions were issued in Victoria between 1 June 2020 and 24 August 2020.

See IQ20-000450 and IQ20-000518 for details on actions taken by the Aged Care Quality and Safety Commission (Commission) to monitor and support residential aged care providers in their preparation for a potential COVID-19 outbreak.

The Commission has conducted 105 site visits to residential aged care facilities in Victoria between 1 June and 24 August 2020. The Commission does not publish the names of residential aged care services that are visited.

Complaints received by state and topic for the period 1 January to 12 August 2020 are detailed in the two tables below.

Table 1: Complaints received by care type and service state, 1 January - 12 August 2020

| Care type                                  | ACT       | NSW          | NT        | QLD          | SA         | TAS        | VIC          | WA         | TOTAL        |
|--|-----------|--------------|-----------|--------------|------------|------------|--------------|------------|--------------|
| Commonwealth Home Support Programme (CHSP) | 8         | 42           | 2         | 31           | 18         | 3          | 66           | 23         | 193          |
| Flexible and Community                     | -         | 12           | 2         | 7            | 8          | 3          | 18           | 2          | 52           |
| Home Care Package (HCP)                    | 11        | 385          | 8         | 304          | 57         | 33         | 348          | 82         | 1,228        |
| Residential                                | 64        | 1,334        | 20        | 740          | 465        | 96         | 1,455        | 279        | 4,453        |
| <b>TOTAL</b>                               | <b>83</b> | <b>1,773</b> | <b>32</b> | <b>1,082</b> | <b>548</b> | <b>135</b> | <b>1,887</b> | <b>386</b> | <b>5,926</b> |

Note: Total complaints does not include 8 complaints which have not been classified

Table 2: Complaint issues\* received by care type, 1 January - 12 August 2020

| Issue keyword   | Residential   | CHSP       | HCP          | Flexible and Community | TOTAL         |
|---|---------------|------------|--------------|------------------------|---------------|
| Abuse   | 303           | 10         | 20           | 3                      | 336           |
| Choice and Dignity  | 955           | 25         | 112          | 13                     | 1,105         |
| Client Assessment and Service Implementation                          | 635           | 34         | 350          | 13                     | 1,032         |
| Client/representative - responsibilities of providers under Agreement | 1             | -          | -            | -                      | 1             |
| Consultation and Communication  | 1,331         | 56         | 348          | 12                     | 1,747         |
| Financial   | 274           | 62         | 763          | 14                     | 1,113         |
| Food and Catering   | 470           | 7          | 7            | 2                      | 486           |
| Goods and Equipment   | 171           | 7          | 91           | 3                      | 272           |
| Health Care   | 2,712         | 8          | 88           | 14                     | 2,822         |
| Industrial relations  | 1             | -          | -            | -                      | 1             |
| Other   | 206           | 13         | 42           | 5                      | 266           |
| Personal Care   | 855           | -          | -            | -                      | 855           |
| Personal Property   | 180           | 8          | 71           | -                      | 259           |
| Personnel   | 1,196         | 20         | 109          | 14                     | 1,339         |
| Physical Environment  | 630           | -          | -            | 1                      | 631           |
| Provider - clarifying responsibilities                                | 1             | -          | -            | -                      | 1             |
| Respite   | -             | 1          | 1            | -                      | 2             |
| Security of Tenure/Agreement  | 112           | 3          | 31           | 5                      | 151           |
| Social and Domestic Assistance  | -             | 43         | 128          | 2                      | 173           |
| <b>TOTAL</b>  | <b>10,033</b> | <b>297</b> | <b>2,161</b> | <b>101</b>             | <b>12,592</b> |

\*Note: a complaint may have more than one issue.

Source: Unpublished data extracted on 24 August 2020 from the Commission's case management system.