

PO Box 8413
Perth Business Centre
WA 6849

Submission to Senate Community Affairs References Committee Inquiry on the 'Future of Australia's Aged Care Sector Workforce'

This Submission to the Senate Community Affairs References Committee Inquiry on the 'Future of Australia's Aged Care Sector Workforce' is made on behalf of the People Living with HIV (PLWH) Community Forum W.A. The Forum is an Independent peer based Group. The PLWH Forum was established in 2012, as an advisory and advocating group facilitated for and by Positive People.

A working committee has been established for this submission and hearings, by the PLWH Forum members, Neil Buckley, Nigel Chartres, Robert Hastings and Katrina Montaut, who is an affected advocate for 'People with HIV'.

This submission addresses issues and concerns about the specific needs of older people who are infected with the Human Immunodeficiency Virus (HIV), who are frequently referred to as 'HIV Positive People', or, 'People with HIV' and who also need the type of care services, as provided by residential aged care facilities (RACFs) and in similar situations, where the aged care sector workforce are responsible for delivering care services to older people.

While there has been acknowledgment and good progress made in the rights of gender and sexually diverse (GSD) people in residential care and workforce practices in regards to sexual orientation, this has, however, in some cases, been mistaken as also addressing the specific needs of 'People with HIV', but this is incorrect.

We are not seeking special rights, but are asking that our special requirements, due to our diagnosis and resulting specific health needs, be met. In saying this we recognise that, in theory, HIV may be just categorised as another blood borne disease, amongst others, such as hepatitis and malaria, for which medical protocols are usually in place. The key issue with HIV is that, in part, due to the way it has been given much sensational media coverage over the years, it is frequently 'singled out', at least in the minds of many aged sector care workers, as something 'different', particularly in the context of some cultural beliefs and perspectives that it is somehow connected with different and even perverse sexual practices.

As 'People with HIV', we, like all others, should be allowed dignity in old age and care delivery settings. So it is for all these reasons, as outlined in this introduction, that the current stigmatisation and frequently associated discrimination towards 'People with HIV' now needs urgent rectification, through concerted and targeted affirmative actions, along the lines of those outlined in this submission

Background to Issues & Concerns

There is copious anecdotal evidence of discrimination, against HIV positive people, who are currently the recipients of aged care services within Commonwealth Government subsidised RACFs. This discrimination is not confined to this particular group, but is also evident in the case of other marginalised groups and is frequently apparent in cases of sexual orientation, which are not seen as ‘mainstream’ and ‘normal’ by many members of the current aged care services sector workforce.

The reasons for this discrimination are various, but are frequently attributable to deeply held cultural beliefs in relation to their widely held views about sexual orientation and issues inherent in HIV infected individuals and related matters. Such discrimination may include, for example, a care giver avoiding contact, unnecessary isolation, or an exaggerated display of protective measures.

In addition, due to the current cause and effect relationship model of how discrimination occurs, it is not highly visible and so on most occasions is not adequately, or, appropriately addressed within the current framework of standards and complaints procedures.

It is therefore necessary that specific affirmative and systemic action now be taken to address what is inherently a significant education issue within Australia’s aged care sector workforce.

Issues & Concerns with Regard to Particular Terms of Reference – as Being Addressed by the Senate Inquiry

This submission addresses general issues and concerns associated with the terms of reference B and C and more particularly specific issues and concerns associated with the terms of reference F and J.

These issues and concerns are outlined here under specific headings, which are designed to assist the committee in recognising their key importance, particularly in relation to forming constructive actions for addressing them in going forward.

1 – The Need to Address Current Accreditation Standards so They Stipulate the Type of Care Required by HIV Positive Care Recipients:

In outlining our issues and concerns, we note that the current accreditation standards, applicable to Commonwealth Government subsidised residential aged care service providers, do not stipulate the type of care required for HIV positive care recipients, as stated, by Josh Maldon, Acting Assistant Secretary, Quality and Regulatory Branch of the Department of Health (DoH) on 24th February 2016. A copy of this advice is provided as attachment B.

Our view is that the current situation requires urgent attention and rectification actions. In attachment A, to this submission, we have outlined specific points, which we consider should form the basis for specific standards, which do need to be

stipulated for the provision of services for HIV positive people, who are receiving care within Commonwealth subsidised RACFs and associated care settings.

In doing this we recognise that our proposed list of specific points may need to be referred to and appropriately reviewed, revised and then agreed by the Australian Society of HIV Medicine (ASHM) so that they then have recognised medical credibility throughout the Australian aged care sector.

2 – The Need for Designing & Delivering ASHM Accredited Training Packages to all Members of the Aged Care Sector Workforce:

Our view is that the proposed recommendations, for inclusion in the accreditation standards, as approved by ASHM, form the basis for the design and delivery of ASHM accredited training packages for the aged care sector workforce.

These training packages need to be delivered by recognised Registered Training Organisations (RTOs) to all existing members and to each new member of the aged care sector workforce.

We anticipate that an appropriate training package would typically involve each aged care sector worker in one half day of training effort and activities.

In addition, refresher training packages will need to be designed and delivered to reflect changes to models in HIV medicine and care models, as and when they are necessary.

3 – The Need for Incorporating the New Standards for HIV Positive Care Recipients into the Charters of Care Recipients' Rights & Responsibilities (the Charter) in all Subsidised Residential Aged Care Facilities (RACF):

Once any given RACF has completed the requisite staff training, as outlined, there is a need to then incorporate the new standards for HIV positive care recipients into the respective Charter of Care Recipients' Rights and Responsibilities, for the specific facility and to ensure that the standards are adhered to.

4 – The Need to Establish Appropriate & Adequate Monitoring of Compliance with the new Standards & an Integral Complaints System to Identify & Deal with Breaches of the Standards:

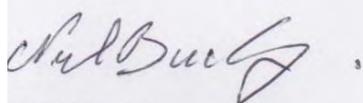
As and when each RACF completes the proposed training packages and incorporates the new standards into their respective Charters, there will need to be particular attention afforded, by the respective government agencies, into ensuring that appropriate and adequate monitoring systems are established so that any breaches of the standards are identified and dealt with properly.

We are assuming that, once the standards are implemented and incorporated into the Charters, that the specific HIV discrimination issues will be included and addressed alongside the current mainstream monitoring of compliance and complaints procedures systems, now in place.

In this way, we are hopeful that the current, particular stigmatisation, as associated with HIV positive people, will diminish and eventually become non-existent, as the new arrangements become widespread throughout the aged care sector and are accepted as part of the normal models of delivering aged care services.

We would like to thank you for the opportunity to put forward our views to the Senate Inquiry.

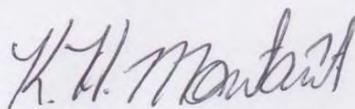
Yours sincerely



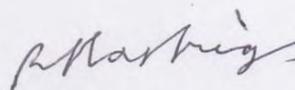
Neil Buckley
PLWH Aged Care Spokesperson



Nigel Chartres



Katrina Montaût



Bob Hastings

Attachment A

Proposed Recommendations for Inclusion in the Accreditation Standards

Service providers, carers and their staff members are not to discriminate against HIV positive people.

The issues around cultural sensitivities must be addressed in an ongoing and vigilant way, by all aged care services providers, so that their respective health care workforce members do not, either deliberately, or, inadvertently, behave in inappropriate ways towards HIV positive people.

Service providers, carers and their staff need to take personal responsibility for keeping up-to-date on the special requirements of HIV positive people who need aged care services.

Specific training in HIV medication management needs to be given to all aged care sector workers. In particular attention needs to be paid to how HIV medications may interact with other mainstream medications provided to aged care services recipients.

Appropriate and adequate arrangements must be made at all times for HIV positive people to receive visits from qualified HIV Specialist General Practitioners. These arrangements need to include regular check-ups and emergency services provisions.

The special issues of HIV positive people, in relation to dietary requirements, must be recognised and catered for by all service providers.

Special attention and understanding needs to be afforded to HIV positive people in relation to specific symptoms arising from their immunological conditions and medications, so that prompt and decisive care actions may be delivered appropriately and in the right care settings.

The impacts of the general disease outbreaks, such as gastro-enteritis and influenza, which are relatively common in RACFs need to be carefully managed and addressed in relation to how HIV positive people are protected.

Attachment B



Australian Government
Department of Health

RefNo. MC16-002248

Mr Neil Buckley
 Unit 75
 601 Wellington Street
 PERTH WA 6000

Dear Mr Buckley

Thank you for your correspondence of 23 January 2016 to the Minister for Health, Minister for Aged Care and Minister for Sport, the Hon Sussan Ley MP, regarding HIV awareness in aged care homes. The Minister has asked me to reply.

The Australian Government is committed to quality of care for Australians receiving aged care services and is making significant changes to build an aged care system that responds better to the needs of individuals, giving greater choice and flexibility to choose the types of support and care received and how those services are delivered.

The law requires Commonwealth subsidised residential aged care providers to meet the Accreditation Standards (the Standards) to ensure that quality care and services are provided to all care recipients. Although the Standards do not stipulate the type of care required for HIV positive care recipients, residential aged care providers are required to:

- promote and achieve all care recipients' health at the optimum level irrespective of their underlying health condition, and
- ensure there are adequate numbers of appropriately skilled staff to meet the individual care needs of residents including qualified nursing staff to provide specialised nursing care where required.

Providers are also required to comply with the Charter of Care Recipients' Rights and Responsibilities (the Charter) as set out under Commonwealth law. The Charter explicitly states that people living in aged care homes have the right to be treated with dignity and respect and to live without exploitation, abuse or neglect.

The Australian Aged Care Quality Agency (Quality Agency) assesses and monitors the performance of residential aged care services through site audits and at least one unannounced site visit per year. In addition to assessing a home's systems and processes during an accreditation visit, Quality Agency assessors observe care practices in the home and interview staff and at least 10 per cent of residents and/or their representatives. Information from these processes is triangulated to inform decisions about whether the quality standards have been met.

GPO Box 9848 Canberra ACT 2601
 Telephone: (02) 6289 1555

2

If a provider is not meeting its legislative obligations, the Department may take regulatory action. This action is aimed at protecting current and future care recipients' health, welfare and interests as well as returning the provider to compliance.

Should a care recipient experience poor quality of care, or abuse or discrimination in an aged care home, they can contact the Aged Care Complaints Commissioner (the Complaints Commissioner). The Complaints Commissioner provides a free service for people to raise concerns about the quality of care or services delivered to people who receive commonwealth funded residential or home care services. There are strict confidentiality and anonymity provisions within aged care legislation that ensure people who request confidentiality are protected from having their identity disclosed. The Complaints Commissioner can be contacted on 1800 550 552 (free call) or by visiting the website www.agedcarecomplaints.gov.au

In addition, the National Aged Care Advocacy Program provides a free and confidential service that can assist people who are, or may become, Commonwealth funded aged care recipients to understand their rights and provide support in exercising them. The National Aged Care Advocacy Program can be contacted on 1800 700 600.

The Department is aware other organisations are developing and providing training to address particular issues including raising HIV awareness, for example the Silver Rainbow program delivered by the National LGBTI Health Alliance. This training program advises on HIV awareness in aged care homes and over 38 organisations in WA have taken part in the training.

Further information about the Silver Rainbow training and contacts can be found on their website <http://lgbtihealth.org.au/ageing/>.

Thank you for raising your concerns.

Yours sincerely



Josh Maldon
Acting Assistant Secretary
Quality and Regulatory Policy Branch
24 February 2016