



The Hon Ken Wyatt AM, MP

**Minister for Aged Care
Minister for Indigenous Health
Member for Hasluck**

MEDIA RELEASE

1 May 2017

Federal Aged Care Minister to Commission Review of Aged Care Quality Regulatory Processes

The Turnbull Government is commissioning an independent review of the Commonwealth's aged care quality regulatory processes to determine why they did not identify the extent of the failures of care at Makk and McLeay wards, as documented in the recent South Australian Oakden Older Persons Mental Health Service review.

The Federal Minister for Aged Care, Ken Wyatt, said he was shocked and concerned to hear about the mistreatment of people at the Makk and McLeay wards at the South Australian Oakden Older Persons Mental Health Service.

"The health, safety and wellbeing of older people who reside in aged care services are of paramount importance to the Australian Government," Minister Wyatt said.

"The Department of Health and the Australian Aged Care Quality Agency had been working with the Northern Adelaide Local Health Network, the owners of the facility, to address the poor service standards at the Makk and McLeay wards. We had already imposed sanctions on North Adelaide Local Health Network to get better compliance.

"Clearly, much more needed to be done by the operators of the home, the Northern Adelaide Local Health Network, but I want to get to the bottom of any shortcomings in the national regulatory system that meant that the Commonwealth was not aware of the extent of the problems with the quality of care at this facility earlier.

"The Federal Department of Health has received complaints and had ongoing contact with this facility in the past. This review will, therefore, consider how the extent of the issues had not become clearer to us."

The Commonwealth part funds the Makk and McLeay wards and accredits the service under aged care quality standards. The North Adelaide Local Health Network, as the aged care provider is responsible for ensuring the health, safety and well-being of older Australians in its care.

“For the benefit of our most vulnerable Australians, we need to look at any gaps or deficiencies in the Commonwealth’s aged care regulatory system which might have prevented the early detection and swift remediation by the Northern Adelaide Local Health Network of failures in care at the Makk and McLeay wards.

“This will include looking at the role of the Australian Aged Care Quality Agency and the Aged Care Complaints Commissioner, and of the Department of Health,” Minister Wyatt said.

“While the review will primarily examine the Commonwealth Government’s accreditation, monitoring, review, investigation, complaints and compliance processes in relation to the Makk and McLeay wards at the Oakden campus of the South Australian Older Persons Mental Health Service, I want this independent investigation’s recommendations to assure me and the community that the regulatory system in residential aged care works effectively.

“In recent months I have been travelling all around Australia holding aged care roundtable discussions to hear first-hand from residents, families and providers.

“The majority of services are providing quality care, and I am hearing some good stories from residents and families about their aged care experiences. However, this is not always the case as we have seen at Oakden. I want this review to see if there are any short comings in the regulatory system that prevented the concerns at the Makk and McLeay wards being identified, as this regulatory system applies across the wider residential aged care system.

“It is important that people continue to report any issues of suspected abuse or poor quality services to the relevant bodies, such as the Aged Care Complaints Commissioner, to ensure that we can identify and address issues in the quality of care in aged care facilities.”

Minister Wyatt said the Terms of Reference have been developed for the review and in coming days the independent reviewers will be announced.

“This review is a crucial step in ensuring that older Australians are cared for properly, with safety and respect and so I want this review to report to me by 31 August 2017,” Minister Wyatt said.

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TERMS OF REFERENCE:

Terms of reference: Review of the Commonwealth Government's regulatory activities applying to quality of care in aged care residential facilities

Purpose

In light of recent findings in relation to failures in the quality of care delivered at the Oakden campus of the South Australian Older Persons Mental Health Service, the review will examine and report, by 31 August 2017, on the Commonwealth Government's aged care accreditation, monitoring, review, investigation, complaints and compliance processes.

Background

The Makk and McLeay wards are part of the Oakden campus of the South Australian Older Persons Mental Health Service managed by the Northern Adelaide Local Health Network. The South Australian Government commissioned a review of the Oakden campus in December 2016 and the report (the 'Oakden report') was published on 20 April 2017. The report makes six recommendations which include decommissioning the campus. The SA Government has accepted all recommendations.

The Commonwealth Government provides aged care subsidy to the Makk and McLeay wards and the Northern Adelaide Local Health Network (the approved provider) is expected to comply with the *Aged Care Act 1997*. The Australian Aged Care Quality Agency conducted an assessment of the Makk and McLeay wards between 6-17 March 2017 and found non-compliance with the Accreditation Standards. The Quality Agency provided early information during the assessment and the Department imposed sanctions on 17 March 2017. The Quality Agency finalised the assessment and a Notice of Non-Compliance was issued by the Department for further failures.

The Commonwealth aged care regulatory activities as they applied to the Makk and McLeay wards apply to all Commonwealth-subsidised residential aged care facilities. It is important therefore to identify if there are any deficiencies in the aged care regulatory system which might prevent the early detection, and swift remediation by providers, of failures in care such as those found to have occurred at Makk and McLeay. Noting that regulation sits within a framework of other supports for residents, such as advocacy and the support of family and friends, the community expects the Commonwealth's regulation of aged care to be able to assure it that people in residential aged care facilities are safe, well cared for and have a good quality of life.

Scope

The review is not a review of the care provided at the Makk and McLeay wards but of the relevant Commonwealth aged care regulatory processes. The review will examine and advise on:

- Why, prior to its sanction on 17 March 2017, Commonwealth aged care regulatory processes did not adequately identify the systemic and longstanding failures of care at the Makk and McLeay wards documented in the Oakden Report.
- What improvements to the Commonwealth aged care regulatory system would increase the likelihood of immediate detection, and swift remediation by providers, of failures of care such as those identified in the Oakden Report. This could include changes to:
 - the legislative framework for the provision of aged care in Australia, including the *Aged Care Act 1997* and the *Australian Aged Care Quality Agency Act 2013*;

- the administrative policies and approaches of the Department of Health, the Aged Care Complaints Commissioner, and the Australian Aged Care Quality Agency;
 - reporting requirements, whether voluntary or mandatory, for residential aged care staff and any other care professionals involved in the provision of care in a residential setting;
 - engagement between the Commonwealth aged care regulatory agencies and other relevant regulatory agencies including those administering healthcare standards.
- Any other matter that the reviewers consider relevant to the purpose of the review, including any other measures in addition to current statutory arrangements that may strengthen the protection of residents.

Having regard to recent findings in respect of the Makk and McLeay wards, the review will examine the processes managed by all Commonwealth agencies involved in regulating the quality of care in residential aged care facilities, as follows:

- the Department of Health;
- the Aged Care Complaints Scheme, managed by the Department of Health until 1 January 2016;
- the Aged Care Complaints Commissioner,
- The Australian Aged Care Quality Agency.