

Exposure Draft of the Aged Care Quality and Safety Commission Amendment (Code of Conduct and Banning Orders) Rules 2022

Submission by the
Australian Physiotherapy Association

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Executive summary

The Australian Physiotherapy Association (APA) is pleased to provide feedback on the Exposure Draft of the Aged Care Quality and Safety Commission Amendment (Code of Conduct and Banning Orders) Rules 2022 on behalf of the physiotherapy profession.

Our profession focuses on maximising the quality of care delivered to aged and ageing Australians and support to their carers, family and friends.

Physiotherapists provide evidence and value-based care across the life cycle, striving to achieve optimal health and wellbeing outcomes at the lowest cost while maintaining an individual's right to safe and high-quality care.

The profession is regulated by Ahpra and practitioners adhere to the shared Code of Conduct by the National Board of 12 registered health professions and overseen by Ahpra.

Alignment across care sectors is important to ensure people who work in aged care are guided by and adhere to the same principles and understanding.

It is unclear if the is Code of Conduct is intended to apply to healthcare professionals. If relevant, the APA would welcome the opportunity to contribute further.

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Summary of Recommendations

Recommendation 1	Define who the Code of Conduct is intended to apply to
Recommendation 2	Align Codes of Conduct in other sectors to the Aged Care Code of Conduct
Recommendation 3	Include an additional standalone principles relating to culturally safe practice and care provided to Aboriginal and Torres Strait Islander peoples
Recommendation 4	Include reference to specific diverse cohorts such as women, LGBTQI+ people and people living with a disability.
Recommendation 5	Include an additional standalone clause relating to people living with dementia and other cognitive impairments acknowledging difficulties they may experience communicating and understanding.
Recommendation 6	Inclusion of wording “trauma-informed approach”
Recommendation 7	Further define “care, supports and services”

Schedule 1 - Code of Conduct

Code of Conduct

In the absence of definitions of the terms provider and aged care worker in the Amendment, it is unclear if healthcare professionals, including physiotherapists, are intended to be included in the Code of Conduct.

The APA supports a common code of conduct for all those working in the care and support sector.

The Code of Conduct appears to align with that of the National Disability Insurance Scheme, which is positive for those covered by the Code working across sectors.

However, like the NDIS Code of Conduct, it requires additional principles relating to culturally safe practice and care provided to Aboriginal and Torres Strait Islander peoples in addition to other cohorts such as women, LGBTIQ+ people, people living with a disability, religious and people from a diverse background.

There is a need to include an element which is specific to providing culturally safe care to Aboriginal and Torres Strait Islander peoples. It is important those who are working with Aboriginal and Torres Strait Islander peoples understand and acknowledge the impacts of colonisation and the factors which contribute to ill health. There also needs to be an emphasis on the importance of self-reflection in ensuring practitioners provide culturally safe care.

Further, the Royal Commission into Aged Care Quality and Safety final report, and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability interim findings, show how critical it is to have trauma-informed approaches. It is likely that the findings of the Royal Commission into Defence and Veteran Suicide may find the same. Therefore, APA recommends the inclusion of wording “trauma-informed approach’ to clause e:

(e) provide care, supports and services in a safe and competent manner, with
Care, skill and a trauma-informed approach; and

The APA recommends an additional clause relating to people living with dementia and other cognitive impairment as they may not be able to express themselves. Those working in aged care must be informed as to a person’s capacity to understand instructions and

communication as this affects the person's ability to receive care and for a person to provide care.

Suggested additions to the Code

Suggested additions and changes are italicised below.

When providing care, supports and services to people, I must:

- (a) act with respect for people's rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions; and
- (b) act in a culturally safe manner and provide culturally safe care to Aboriginal and Torres Strait Islander peoples and take time to reflect on the care provided; and*
- (c) act in a way that treats people with dignity and respect, and values and caters to their
Diversity and beliefs, including women, LGBTQI+ people, people living with disability;
and
- (d) act with respect for the privacy of people; and
- (e) provide care, supports and services in a safe and competent manner, with
Care, skill and a trauma-informed approach; and
- (f) act with integrity, honesty and transparency; and
- (g) act with consideration to a person's capacity to understand instructions and communicate to ensure they can receive safe and quality care*
- (h) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of care, supports and services; and
 - (i) provide care, supports and services free from:
 - (j) all forms of violence, discrimination, exploitation, neglect and abuse;*
and
 - (ii) sexual misconduct; and
 - (h) take all reasonable steps to prevent and respond to:
 - (i) all forms of violence, discrimination, exploitation, neglect and abuse;
and
 - (ii) sexual misconduct.

If the intention is to include health care professions within the Code of Conduct, a more accurate description may be “a person who works in the aged care industry”. If healthcare professionals are intended to be covered by the Code of Conduct, the APA feels there needs to be closer alignment between the draft Code and codes of conduct for professions regulated by the National Boards and Ahpra.

We would recommend reviewing the shared code of conduct developed by the Physiotherapy Board of Australia and other National Boards to establish the guidance provided by Ahpra to registered professions.

2 – Application to approved providers and aged care workers and governing persons of approved providers

References to “care, supports and services” are unclear and require further definition to ensure the care needs of the aged and ageing are met.

We recommend clear, comprehensive plain language resources to support people who work in aged care and provide aged care services are developed to support the Code.

It is also important to develop processes to enable aged and ageing Australians and their carers, friends and families to make complaints in the case of breaches. For example, persons may have limited ability to remember how care is provided and this may lead to difficulties in interpretation of the Code.

Australian Physiotherapy Association

The APA’s vision is that all Australians will have access to quality physiotherapy, when and where required, to optimise health and wellbeing, and that the community recognises the benefit of choosing physiotherapy. The APA is the peak body representing the interests of Australian physiotherapists and their patients. It is a national organisation with state and territory branches and specialty subgroups.

The APA represents more than 31,000 members. The APA corporate structure is one of a company limited by guarantee. The APA is governed by a Board of Directors elected by representatives of all stakeholder groups within the Association.