

## MEDIA RELEASE

25 September 2018

# Royal Commission must review penalties for abuse in aged care, and appropriate methods of monitoring potential abuse

The Aged Care Royal Commission must investigate an appropriate range of penalties for neglect, excessive restraint and abuse in residential aged care and the need for more effective monitoring of staff, including the use of CCTV cameras in light of shocking incidents in Australian residential aged care facilities reported by Four Corners.

Ian Yates, Chief Executive of Australia's leading aged consumer advocate, COTA Australia, said Four Corners had highlighted serious failings in the handling of complaints about the treatment of residents in nursing homes and a too frequent and tragic lack of understanding and empathy towards people living with dementia.

Mr Yates said the Royal Commission must decide whether the treatment of allegations of physical assault and, when proven, the penalties for crimes against aged care residents, meet community expectations.

"Last night we saw examples of physical assaults on some of our most vulnerable fellow citizens. While providers did involve police when provided with irrefutable evidence, we are absolutely dismayed that such assaults went previously unnoticed, and in at least one reported case, information about earlier similar incidences were reportedly not acted upon when notified.

"It is also deeply disturbing to hear a report that a magistrate compared the physical restraint of older people to trying to get a child into a car seat when they are having a tantrum.

"That is a worrying symptom of ageism in our legal system and of the lack of understanding, respect and dignity that should be afforded older Australians living with dementia, who should never be illegally restrained, let alone abused."

Mr Yates said the use of hidden cameras, to which families and staff feel they have to resort to protect residents, involves complex privacy and other legal issues that the Royal Commission must help untangle so we can protect residents and at their same time respect their right to privacy in their own bedrooms.

He said COTA has long called for greater transparency about complaints and serious care incidents in all nursing homes, and how they are handled, so older Australians and their families can see the history of complaints and serious incidents to guide their decisions about which nursing home to use.

"Four Corners alleged chronic failings in the accreditation process and the handling of complaints. This was dealt with in extensive detail in the recommendations of the 2017 Carnell/Paterson Report, most which the government has accepted.

"We will also have a much stronger regulator with the implementation of the new Aged Care Quality and Safety Commission, which brings together the Aged Care Quality Agency and the Aged Care Complaints Commission into one body.

"However we need to go even further. COTA has already called on the Government to introduce the traffic light system of public reporting operating in the UK, which would replace our pass/fail system of standards being either 'met' or 'not met'.

"Instead we should instantly publish Red for complete and serious fail, Amber for minor fail and Green for pass or previous fail now rectified, plus a Star for exceptional performance. Consumers deserve to see not simply the current status of these outcomes but also see the history of each outcome.

“Last night’s Four Corners also again highlighted the need to get rid of the three-month window of notice given to providers for reaccreditation visits and introduce totally unannounced checks on providers as soon as possible - for all providers on a random basis, with additional targeted visits to providers that have identified risk factors.”

**Media contact: Ian Yates 0418 835 439, Jenny Stokes 0478 504 280**