

10 December 2021

The Cross Agency Taskforce on Regulatory Alignment
Australian Government
Department of Health

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Submitted to: <https://consultations.health.gov.au/aged-care-reform-compliance-division/care-and-support-sector-code-of-conduct-consultati/>

Dear Sir/Madam

Australian Psychological Society response to the Australian Government consultation: Care and support sector code of conduct

Thank you for the opportunity to attend a recent consultation workshop and provide this subsequent written response to the Draft Care and Support Sector Code of Conduct.

The Australian Psychological Society (APS) is responsible for promoting excellence and ethical practice in the science, education and application of psychology as the key discipline for reducing the burden of mental ill-health and increasing the wellbeing and performance of all Australians. The APS has many members who provide psychological care, supports and services to NDIS participants and consumers of other Government disability, aged care and veterans' services.

We commend the Government's commitment to care and support sector reform with the intent to improve protections and ensure consistent quality and safety for consumers of aged care, NDIS and disability services, and veterans' care services. We note that the need for a code of conduct for the aged care sector emerged as one of the recommendations from the Royal Commission into Aged Care Quality and Safety. We support the approach to examining whether the current NDIS Code of Conduct can be adapted and applied across the Commonwealth NDIS, disability, aged care and veterans' support sectors.

The APS notes that developing a new Care and Support Sector Code of Conduct is one of many regulatory alignment initiatives across the care and support sector and coincides with many separate NDIS and aged care reform initiatives. We take this opportunity to share our concerns about the disjointed approach to reform across these sectors and the high volume of consultations with limited notice and short-time frames for feedback being given to consumers, providers, and the workforce who provide services across these sectors. We call for more generous notice and timeframe periods where possible, and the circulation of a reform/consultation timeline to assist the sector in planning their involvement in important consultations that will shape the future of care and support services in Australia.

Regarding the Draft Care and Support Sector Code of Conduct, the APS supports a single code of conduct that applies across the workforce services, including care workers, providers, subcontractors, managers/Boards, and health professionals, such as psychologists. Accordingly, a single code of conduct should include only the "musts" that can guide the conduct of the entire care and support workforce. The APS reminds the Government that psychologists (and other registered health professionals) have well-established and detailed codes of conduct they are accountable to and as regulated by AHPRA. In applying a single care and support sector code of conduct, consideration must be given to avoiding unnecessary duplication in the system and an additional administrative burden for psychologists and other registered health professions (e.g., education and training, complaints processes).

We share the following additional feedback and observations about the Draft Care and Support Sector Code of Conduct (the Draft) as presented in the consultation paper:

- The Draft appropriately retains the human rights and person-centred positioning that informs the original NDIS Code of Conduct. The APS strongly supports the position at the heart of the code of conduct - that consumers are the central concern, and have the right to choose and control the care and support they receive.
- To improve the accessibility of the code for the care, support and services workforce, including care workers and consumers, the Draft language should:
 - be simplified further using a Plain English approach
 - use terms that are translatable across the sectors
 - avoid duplicating content that is part of the Standards or other regulatory documents
 - be engaging and clearly describe acceptable behaviours
 - be concise and avoid unnecessary repetition (e.g., "care, supports and services" is repeated many times).
- Education and guidance will be essential to assist the workforce in understanding the application of the Draft to the various care and support sector contexts and difference care, support and service worker roles.
- Enforcing a code of conduct will require a complaints system that is accessible to, and trusted by, diverse consumers and the workforce. The consumer-facing aspect of this complaints system (such as a portal) must be capable of accepting a wide range of notifications and triaging these to the appropriate bodies in the disability, aged care and veterans' sectors, as well as other complaints processes and mechanisms (e.g. AHPRA for regulated professionals). The process for investigating and managing complaints must be timely, procedurally fair and deliver proportionate responses, and be supported by a suitably targeted training and education program.

The APS has a long history of working with the Government and other agencies to establish regulations and standards to ensure the quality and safety of care in the disability, aged care and veterans' support sectors. The APS has a vital contribution to make to the current reforms across these sectors and welcomes the opportunity to provide input and partner with the Government around critical matters pertaining to the psychology workforce. We look forward to a care and support sector that ensures equitable, accessible and effective services and supports that enables people who receive care and support to live healthy and fulfilling lives.

Thank you again for the opportunity to respond to this consultation. If any further information is required from the APS I would be happy to be contacted through my office on (03) 8662 3300 or by email at z.burgess@psychology.org.au

Kind regards

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