



## Safeguarding younger people from unnecessarily entering aged care

### The Summer Foundation submission on the exposure draft of the Bill for the new Aged Care Act

16 February 2024

The Summer Foundation welcomes the proposed eligibility criteria for entry into the aged care system, as articulated in the exposure draft of the Bill for the new Aged Care Act.<sup>1</sup>

Although amending the eligibility criteria is a necessary measure, it is not enough on its own to ensure no younger people enter residential aged care (RAC). Increased investment into other service sectors is also required to meet the needs of younger people. Younger people in and at risk of RAC must have access to a range of safe housing and living alternatives so they can exercise true choice and control over where they live.

### Lack of quality support for younger people with complex needs

Younger people in and at risk of RAC are often told that aged care is the only suitable place for them to live given their support needs, despite other suitable housing options that are available to, or could be arranged for them. They are often provided with limited information about alternative models of housing and support and minimal guidance to navigate and explore these options.

Younger people must be adequately supported to explore appropriate housing and support options outside of RAC prior to having an aged care needs assessment. This will ensure no younger person unnecessarily enters RAC.

### Effective safeguards at work

Amendments to Aged Care Assessment Guidelines made in 2021 provided safeguards to prevent younger people from unnecessarily entering RAC. The guidelines stated that NDIS participants must first be referred to the National Disability Insurance Agency (NDIA) YPIRAC Planners and Accommodation Team for support and guidance to explore alternative accommodation, and the NDIA must confirm that no other housing options are available before a participant can be referred to RAC.

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<sup>1</sup> Australian Government Department of Health and Aged Care (2023) [‘Exposure draft - Aged Care Bill 2023’](#). Section 40.

NDIS participants are now less likely to be referred to an Aged Care Assessment Team (ACAT) before all appropriate housing and support options have been properly explored. Between 1 October 2022 to 30 September 2023, 54 participants entered RAC.<sup>2</sup> This is a significant improvement from the previous year when 186 participants entered RAC.

## What is still needed?

### Safeguarding framework to support First Nations people

The proposed legislation risks creating inequity for First Nations people with disability.<sup>3</sup> There must be a framework for supporting First Nations people aged 50-64 to make an informed decision about accessing community based alternatives prior to entry to RAC. This could be modelled off the earlier policy amendments which have seen the NDIA and state health teams adopt a more collaborative approach to exploring and then securing appropriate housing and living options for NDIS participants at risk of entering RAC.

To deliver good outcomes for First Nations people, the new Aged Care Act should require the Department of Health and Aged Care to work closely with relevant agencies (e.g. [Synapse](#) and [FPDN](#)) to actively explore all culturally responsive housing and supports prior to an aged care assessment. A sustainably funded program for facilitating housing that supports the holistic needs of the person, delivered by culturally responsive experts, will help ensure that no First Nations person aged 50-64 is forced to enter RAC.

### Managing foreseeable impacts

Younger people requiring palliative care services are often referred to RAC where their support needs cannot be met at home. However, under the proposed new Aged Care Act, younger people with palliative care needs are not eligible for funded aged care services. As there are inadequate palliative care services outside of the aged care system, there are huge risks that there will be no housing options available to this vulnerable cohort.

Rather than making people homeless or at risk of homelessness, state and territory governments should step up and provide palliative and other health and housing services for people with chronic health conditions who are not eligible for the NDIS. The new Aged Care Act should fill an existing gap and specify that state and territory governments must take all reasonable steps to secure appropriate community based housing and living supports for younger people who are ineligible for funded aged care services.

To support this, state and territory governments must be equipped to monitor the impact of the NDIS and obtain an evidence base about how mainstream systems can better meet the needs of all people with disability over time. The needs, preferences and experiences of people with disability must be better understood to enable the market to provide innovative responses that meet the needs of younger people in and at risk of entering RAC.

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<sup>2</sup> Senate Community Affairs Legislation Committee (2023) Answer to Question on Notice, Social Services Portfolio. [Question on notice no. 254](#).

<sup>3</sup> Summer Foundation (2023) [Closing the door to younger people entering aged care. Summer Foundation position statement on the proposed new Aged Care Act](#).

## Summer Foundation commitment

Closing the door to younger people entering aged care is a collective responsibility. The Summer Foundation is committed to working with and for Australians with disability and government to deliver innovative solutions that improve housing and living outcomes and ensure no younger person is forced to enter aged care.

### Choice of housing

- We will continue to provide people with disability with the information, resources and services they need to understand their rights, understand their housing and support options and exercise real choice about where they live and who they live with (via the [Housing Hub](#)).
- We will pilot a Home and Living peer support service that enables people with disability to access the wisdom and insights of peers.

### Accessible mainstream housing

- We will continue to lead a national coalition of health, disability, housing and older persons organisations and fund the [Building Better Homes](#) campaign until there is national adoption of minimum accessible standards in new housing.
- We will work with governments to ensure the implementation of minimum accessible standards is monitored and impact is measured in each jurisdiction.

### Innovation in built design

- We will co-design and build a new, contemporary typology of disability housing to meet the needs of people who are missing out in the current SDA market.

### Support provided within housing

- We will co-design a framework and principles to guide contemporary models of support that are bespoke to the needs and preferences of specific groups of co-located NDIS participants.
- We will explore and co-design [new models of governance](#) that increase the agency of people living in disability housing.

### Evaluation of housing outcomes

- We are partnering with La Trobe University to deliver a [longitudinal study](#) that is systematically investigating the experience, outcomes and economic impact of people with disability moving into a range of disability housing models.

### Increase community participation and social connections

- We will evaluate and scale an evidence based intervention ([M-ComConnect](#)) that supports people with disability to build social connection and increase their participation in the community.