

Integrating emergency services planning into aged care under new legislation: is your organisation ready?

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Disasters can affect all community members, but some can be affected more than others. People living in aged care need particular assistance and their needs are foreseeable and should be planned for systemically. The aged care system is undergoing major reforms and a program of risk-based standards and legislative enhancements will take effect in Australia from 1 July 2024.

The Aged Care Quality and Safety Commission¹ is consulting on draft guidance resources to assist aged care providers, workers and stakeholders to understand and comply with the new Strengthened Aged Care Quality Standards² and *Aged Care Act 1997*.³ These reforms aim to improve the quality of care and safety for older people in Australia receiving aged care services.

The role of emergency services organisations in the aged care sector has traditionally been limited to providing urgent response during an incident or emergency and some statutory engagement in the planning or approval processes for properties managed by aged care providers. There has been no over-arching legislative arrangement between emergency services planners and aged care providers and no requirement for engagement aside from calls for service during an incident. This is changing and will require genuine and accountably proactive collaboration between emergency services organisations and aged care providers.

In an effort to reform the provision of aged care, the Royal Commission into Aged Care Quality and Safety ran from 8 October 2018 to 1 March 2021. The commission's final report included 148 recommendations aimed at rebuilding and refocusing the aged care system in Australia.⁴ These recommendations have been converted into standards that set out what is expected from providers of aged care. The new Strengthened Standards and Aged Care Act have specific

standards that will affect the emergency services community, including:

- 2.10.1 – The provider develops emergency and disaster plans that describe how the organisation and workers will respond to an emergency or disaster and manage the risks to the health, safety and well-being of older people and workers.
- 2.10.2 – The provider implements strategies to prepare for, and respond to, an emergency or disasters.
- 2.10.3 – The provider engages with older people, family, carers and workers about the emergency and disaster plans.
- 2.10.4 – The provider regularly tests and reviews the emergency and disaster management plans in partnership with older people, families and carers, workers and other response partners.

How emergency management fits in

As a result of the new requirements, aged care providers must seek assistance and work with emergency services organisations during the consultation, planning, exercising and after-action review phases.

Aged care is provided across Australia and local conditions and risks vary. As such, aged care providers will need to partner with their local



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emergency services organisations to develop suitable plans for their specific risk profiles. The local emergency arrangements under relevant state and territory legislation will provide a sound point of contact. For example, in New South Wales, it would fall to Local Emergency Management Committees and, therefore, relevant Local Emergency Operations Controllers should be aware of the new legislation and the likelihood of aged care providers seeking assistance.

It is important for emergency services planners to understand that aged care emergency plans will not be limited to local residential aged care facilities but will need to be tailored for a variety of retirement living and care provided to older people in their own homes. Some retirement living communities offer flexible care and are significant developments with hundreds of residents on substantial sites. Planning will be particularly important in areas where some older people live alone and receive care on their properties.

The new Act includes substantial consumer consultation requirements including the creation of Quality Consumer Advisory Boards that are likely to be the mechanism for providers to consult with consumers about new plans. These groups are excellent outreach opportunities for emergency services organisations to share safety information and gather feedback on local issues or concerns.

There is also a requirement to exercise emergency plans. This can be tied to agency annual training schedules and help to enhance localised emergency managing plans.

The new standards and Act have a governance reform component that requires direct and accountable involvement of the governing board of each aged care provider and they will be held accountable for these arrangements. There may be opportunities for emergency service planners to meet with board members to provide training and guidance on compliance to the new regime.

Is this likely to happen?

Yes. As in many issues of public policy, particularly post-crisis or post-royal commission, a legislated response compels parties to act and applies penalties for non-compliance. The Aged Care Quality and Safety Commission will be checking compliance with all aspects of the new Act and its related requirements. There are penalties for non-compliance and a feature of the Act is the personal liability attached to senior officers, executives and boards of aged care providers. These sanctions can include being banned from the sector.

There is now a stringent legislative impetus for aged care providers to develop, consult and exercise their emergency plans. Notably, there will be a commission review after action from an incident or emergency and failures to have complied with legislation will be subject to penalties, along with any police investigation into damage, injury or death.

The care of older people is the primary remit of aged care providers and emergency services organisations have had limited involvement until an incident occurs. The new legislative requires providers to partner with local emergency services organisations to develop suitable plans and make sure these plans are current and exercised. The emergency management sector should acknowledge these significant changes and prepare for contact with aged care providers to meet the Act requirements. Emergency services planners should also be aware that care is provided to older people outside of residential aged care settings and the planning for community and flexible care arrangements will vary. This will allow for emergency plans to be tailored to local risks and environments so that the best operational arrangements are in place and ready to be activated in cases of emergency.

Endnotes

1. Aged Care Quality and Safety Commission, at www.royalcommission.gov.au/aged-care.
2. Strengthened Aged Care Quality Standards, at www.health.gov.au/resources/publications/the-strengthened-aged-care-quality-standards-final-draft?language=en.
3. Aged Care Act 1997, at www.health.gov.au/topics/aged-care/about-aged-care/aged-care-laws-in-australia#aged-care-act.
4. Aged Care Quality and Safety Commission Final Report, at www.royalcommission.gov.au/aged-care/final-report.