

# Submission on the Care and Support Sector Code of Conduct

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## Overview

This submission provides input on the draft code of conduct for the care and support sector, which will be applicable to providers and workers across aged care, disability support, and veterans' care. Volunteers contribute extensively across Australia's care and support sectors. As such, whether volunteers will be included under the code of conduct must be clarified for each sector.

Further, the application of the code of conduct to volunteers must be mindful of the immense challenges facing volunteering. There has been a significant decline in the number of volunteers working in the care and support sectors and an increase in demand for services provided by volunteers. Without full and specific consideration of volunteers, there is a risk that the code of conduct will contribute to a further decline in volunteers and thus impact the care and support available.

The capacity of volunteer involving organisations to meet their obligations under the proposed code of conduct must therefore be examined, and additional resources should be committed accordingly. Volunteering Australia highlights the following points on the implications of the proposed code of conduct for volunteer involvement in the care and support sector:

- A key aim of the Government's work to align regulation is to ensure consistency across sectors.<sup>1</sup> Efforts to introduce a single code of conduct for workers in the care and support sector should note the inconsistency in the inclusion of volunteers in workforce definitions between aged care, disability support, and veterans' care.
- Volunteer involving organisations may lack the capacity to ensure workers adhere to the code and that possible breaches are investigated and actioned accordingly with their existing human resource and governance arrangements. Additional support will be needed to ensure that organisations can meet these obligations.
- Efforts to pursue greater regulatory alignment should involve ongoing consultation with relevant stakeholders in the volunteering ecosystem, including the peak volunteering bodies and providers which involve volunteers. The limited timeframe of this consultation, occurring as it has at a time when organisations are under significant pressure implementing the COVID-19 vaccine mandate, has made any meaningful on-the-ground engagement impossible.

## Introduction

### Background and context

The volunteering ecosystem is facing immense challenges, particularly as the nation transitions to the next phase of its response to the COVID-19 pandemic. The proportion of Australians doing voluntary work fell from 36 per cent in late 2019 to 24.2 per cent in April 2021, amounting to an

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<sup>1</sup> <https://www.health.gov.au/sites/default/files/documents/2021/10/background-paper-aligning-regulation-across-australia-s-care-and-support-sectors.pdf>, 2

estimated loss of 2.3 million from Australia's volunteer force.<sup>2</sup> Troublingly, almost half of those who stopped volunteering during COVID-19 had not resumed by April 2021, despite the easing of lockdown and physical distancing restrictions in many jurisdictions at that time.<sup>3</sup>

The decline in volunteering has profound implications for the care and support sector. According to the State of the Disability Sector Report 2021 from National Disability Services, 56 per cent of providers indicated that they had difficulty recruiting volunteers.<sup>4</sup> A decline in volunteer engagement is similarly noted in the 2020 Aged Care Workforce Census, with a majority of providers across the sector reporting decreases in the number of volunteers.<sup>5</sup> However, volunteers are not included in current strategic initiatives for the care and support sector, such as the NDIS National Workforce Plan: 2021-2025. Consequently, government planning for the sector does not currently examine challenges for volunteering or plan measures to overcome them. With this context in mind, changes to legislation including the introduction of the code of conduct for the care and support sector must consider measures to promote and support volunteer involvement, including the reduction of administrative burden and the design of appropriate supports for volunteer involving organisations to engage volunteers.

### About this submission

This submission highlights issues concerning the inclusion of volunteers in the proposed code of conduct for the care and support sector (the Code), and the strain its obligations may place on the human resources and governance arrangements of volunteer involving organisations.

This submission was drafted by Volunteering Australia in collaboration with the State and Territory peak volunteering bodies.

## Volunteers in the care and support sectors

Volunteers play a significant role in the aged care, disability support, and veterans' care sectors. According to the Australian Charities and Not-for-profits Commission, 59,254 people volunteered in charities and not-for-profits which identified people with disability as their main beneficiaries in 2019.<sup>6</sup> A further 43,521 volunteered in organisations which identified veterans and/or their families as their main beneficiaries, and 30,883 people volunteered across Commonwealth aged care services according to the 2020 Aged Care Workforce Census.<sup>7</sup> These figures indicate the extent to which volunteers contribute their time across sectors, and demonstrate the importance of clarifying volunteer involvement in the alignment of regulation.

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<sup>2</sup> [https://csrcm.cass.anu.edu.au/sites/default/files/docs/2021/5/Volunteering\\_during\\_the\\_COVID-19\\_pandemic\\_-\\_April\\_2021.pdf](https://csrcm.cass.anu.edu.au/sites/default/files/docs/2021/5/Volunteering_during_the_COVID-19_pandemic_-_April_2021.pdf)

<sup>3</sup> *ibid*

<sup>4</sup> [https://www.nds.org.au/images/State\\_of\\_the\\_Disability\\_Sector\\_Reports/SoTDS\\_2021\\_single.pdf](https://www.nds.org.au/images/State_of_the_Disability_Sector_Reports/SoTDS_2021_single.pdf), 43

<sup>5</sup> <https://www.volunteeringaustralia.org/wp-content/uploads/AGED-CARE-CENSUS-2020-factsheet-Final.pdf>

<sup>6</sup> <https://data.gov.au/dataset/ds-dga-34b35c52-8af0-4cc1-aa0b-2278f6416d09/distribution/dist-dga-1da3681e-6149-45db-8458-9173947bd5bc/details?q=acnc>

<sup>7</sup> <https://www.health.gov.au/sites/default/files/documents/2021/10/2020-aged-care-workforce-census.pdf>

These volunteers add value to care and support programs in the aged care, disability support, and veterans' care sectors, and contribute to providing high quality care and social support functions for consumers and participants.<sup>8</sup> Ensuring that this contribution is viable, safe, and sustainable should therefore be a central aim of efforts to align regulation across sectors, including the proposed code of conduct.

## Volunteers in the draft Code

Despite their extensive involvement in aged care, disability support, and veterans' care, whether and how volunteers are included under relevant regulation varies across the three sectors. In disability support, volunteers are explicitly included among those employed or otherwise engaged by NDIS providers, including in registered and unregistered NDIS providers and in other Commonwealth programmes in the disability services space.<sup>9</sup> The aged care sector similarly includes individuals engaged on a voluntary basis in providers of residential, home, and flexible care, as workers.<sup>10</sup> In veterans' care, however, volunteers are not specified as part of the workforce, or noted to be among those engaged by care providers in the sector.<sup>11</sup> Consequently, it is not clear whether volunteers in Veterans' Home Care or Community Nursing programs will be included under the code of conduct.

While differences between models of care delivered in the aged care, disability support, and veterans' care sectors may necessitate sector-specific workforce definitions, the lack of consistency with regards to volunteer inclusion may increase administrative burden if regulatory requirements, such as those outlined in the proposed code of conduct, are aligned to cover workers across these sectors. For example, many volunteers provide social and community connection services to older people, and these volunteers may work across the aged care and veterans' care sectors in their volunteering. Unless clarified, this inconsistency could cause significant complications for volunteer involving organisations trying to meet their obligations under the Code if they engage volunteers who work across sectors.

To alleviate this uncertainty, whether volunteers in Veterans' Home Care and Community Nursing programs are to be included under the proposed code of conduct should be clarified.

## Volunteer involving organisations and responsibilities under the draft Code

A primary concern with the draft Code is the proposed responsibilities attached to providers. The Consultation Paper states that providers will be required to comply with the Code, and to take all

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<sup>8</sup> <https://www.interchange.org.au/wp-content/uploads/2020/06/Value-Added-Volunteer-Supported-Services-and-the-Challenge-of-the-NDIS.pdf>

<sup>9</sup> [https://consultations.health.gov.au/++preview++/aged-care-reform-compliance-division/care-and-support-sector-code-of-conduct-consultati/supporting\\_documents/Care%20and%20Support%20Sector%20Code%20of%20Conduct%20Consultation%20Paper.pdf](https://consultations.health.gov.au/++preview++/aged-care-reform-compliance-division/care-and-support-sector-code-of-conduct-consultati/supporting_documents/Care%20and%20Support%20Sector%20Code%20of%20Conduct%20Consultation%20Paper.pdf), 10-11

<sup>10</sup> *ibid*

<sup>11</sup> *ibid*

reasonable steps to ensure that individuals employed or engaged by the provider comply. It further states that “across the care and support sector, providers would be expected to use their existing employee/worker engagement, human resource and governance arrangements to ensure compliance with the Code.”<sup>12</sup>

For many volunteer involving organisations, particularly those which are primarily or entirely run by volunteers, existing resources will not be sufficient to adhere to these obligations. Volunteering Australia has heard from NDIS providers that involve volunteers that the current administrative requirements associated with the NDIS have placed significant burden on their volunteers and impacted volunteer retention.<sup>13</sup>

Data from the Australian Charities and Not-for-profits Commission shows that 30.5 per cent of not-for-profit organisations which identified aged care as their main activity engaged no paid staff.<sup>14</sup> Of organisations which identified people with disability as their main beneficiaries, 42.3 per cent engaged no paid staff.<sup>15</sup> These numbers indicate that volunteer involving organisations may lack the capacity to ensure workers adhere to the Code and that possible breaches are investigated and actioned with their existing human resource and governance arrangements. Additional support will be needed to ensure that organisations can meet these obligations.

Further, recent research demonstrates that COVID-19 has placed significant strain on the resources of community organisations. A survey by Volunteering Australia earlier this year also found that 30 per cent of respondents in volunteer involving organisations reported “ensuring organisational sustainability and funding” as a pressing challenge.<sup>16</sup> 43 per cent of organisations also reported an increase in demand for services, and 56 per cent that they needed more volunteers.<sup>17</sup> The challenges facing the volunteering ecosystem, particularly those which affect the capacity of organisations to comply with changing regulatory requirements, therefore demand further consideration. Without the appropriate support, the immense contribution of volunteers to the aged care, disability support, and veterans’ care sectors will not be sustainable.

## Recommendations

Based on the information presented on the inclusion of volunteers in the draft code of conduct for the care and support sector, Volunteering Australia makes the following recommendations:

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<sup>12</sup> [https://consultations.health.gov.au/++preview++/aged-care-reform-compliance-division/care-and-support-sector-code-of-conduct-consultati/supporting\\_documents/Care%20and%20Support%20Sector%20Code%20of%20Conduct%20Consultation%20Paper.pdf](https://consultations.health.gov.au/++preview++/aged-care-reform-compliance-division/care-and-support-sector-code-of-conduct-consultati/supporting_documents/Care%20and%20Support%20Sector%20Code%20of%20Conduct%20Consultation%20Paper.pdf), 17

<sup>13</sup> <https://www.volunteeringaustralia.org/download/142/2020-2021/25790/september-2021-submission-to-the-royal-commission-into-violence-abuse-neglect-and-exploitation-of-people-with-disability.pdf>, 8-9

<sup>14</sup> <https://data.gov.au/dataset/ds-dga-34b35c52-8af0-4cc1-aa0b-2278f6416d09/distribution/dist-dga-1da3681e-6149-45db-8458-9173947bd5bc/details?q=acnc>

<sup>15</sup> *ibid*

<sup>16</sup> <https://www.volunteeringaustralia.org/wp-content/uploads/2021.02.08-Re-engaging-Volunteers-and-COVID-19-Report.pdf>

<sup>17</sup> *ibid*

1. Clarify the inclusion of volunteers in veterans' care under the proposed code of conduct.
2. Provide additional support and resourcing to volunteer involving organisations to ensure that they are able to meet their obligations under the code of conduct.
3. Engage in ongoing consultation with relevant bodies, including the state and territory peak volunteering bodies and major providers which involve volunteers, on how future regulatory alignments would affect volunteer engagement.

## Authorisation

This submission has been authorised by the Chief Executive Officer of Volunteering Australia.



Mr Mark Pearce  
Chief Executive Officer

## Endorsements

This submission has been endorsed by the seven State and Territory volunteering peak bodies.



## About Volunteering Australia

Volunteering Australia is the national peak body for volunteering, working to advance volunteering in the Australian community. The seven State and Territory volunteering peak bodies work to advance and promote volunteering in their respective jurisdictions and are Foundation Members of Volunteering Australia.

Volunteering Australia's vision is to promote strong, connected communities through volunteering. Our mission is to lead, strengthen, promote, and celebrate volunteering in Australia.

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