

## THE AGED CARE REGULATORY SYSTEM

**Aged care is an essential service, assisting about 1.3 million of our most frail Australians. The Commonwealth regulates the care delivered to all aged care consumers to ensure providers deliver appropriate care which meets expected standards. This includes aged care accreditation, monitoring, review, investigation and complaints processes.**

While ACSA members strive to provide quality care at all times, regrettably, it is a human service and there are occasions when the industry falls short. Those instances warrant our close attention and action.

In seeking to understand where the problems lie, we must not lose sight that frail older Australians are supported by an industry which provides quality care for older Australians.

In April 2018, the Government announced a number of changes to the regulatory system in response to the recommendations arising from the independent (Carnell) review of aged care regulatory processes:

- the establishment of a new independent Aged Care Quality and Safety Commission from 1 January 2019;
- enhanced risk profiling of aged care providers, to inform the frequency and rigour of visits and to ensure failures are quickly identified and rectified by providers;
- the development of options, in consultation with the sector, for a Serious Incident Response Scheme to ensure the right systems are in place to identify an incident and prevent it from occurring again;
- the introduction of a performance rating against the new quality standards; and,
- the development of a user-friendly provider comparison tool on the My Aged Care Website.

Further information: <https://agedcare.health.gov.au/quality/review-of-national-aged-care-quality-regulatory-processes>

### AGED CARE ACCREDITATION

#### Accreditation Standards

Residential aged care facilities are currently accredited by the Australian Aged Care Quality Agency (AACQA). All residential aged care facilities receiving government subsidies need to meet accreditation standards. Accreditation teams make unannounced visits as part of the monitoring activities. If the home does not meet the standards, it might lose or have its period of accreditation reduced. Further information: <https://www.aacqa.gov.au/>

#### New single Aged Care Quality Standards from 1 July 2019

From 1 July 2019, a new single set of standards, called the Aged Care Quality Standards, will replace the:

- Accreditation Standards.
- Home Care Standards.
- National Aboriginal and Torres Strait Islander Flexible Aged Care Program Quality Framework Standards
- Transition Care Standards.

The new Standards will apply to all aged care services including residential care, home care, flexible care and services under the Commonwealth Home Support Program. The new Standards focus on quality outcomes for consumers rather than provider processes. This will make it easier for consumers, their families, carers and representatives to understand what they can expect from a service. It will also make regulation simpler for providers working across multiple aged care services.

### SANCTIONS AND NOTICES OF NON-COMPLIANCE

**Sanctions:** Sanctions are imposed by the Department of Health on approved providers where there is an immediate and severe risk to the health, safety or well-being of care recipients. A range of sanctions can be imposed including revoking or suspending approval as a provider of aged care services and restricting approval to provide aged care

services. The type of sanctions imposed on an approved provider will depend on the nature of the non-compliance. Information on all imposed sanctions is published online.

**Notices of non-compliance:** Notices of non-compliance are issued by the Department of Health when an approved provider is non-compliant with its responsibilities under the *Aged Care Act 1997*. These responsibilities include complying with the Accreditation Standards, the Home Care Common Standards and the Charter of care residents' rights and responsibilities.

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## AGED CARE COMPLAINTS COMMISSIONER

The Aged Care Complaints Commissioner provides a free service if someone has a concern or complaint about any of the care and services they receive from an Australian Government-subsidised service provider. The Commissioner accepts confidential and anonymous complaints.

The Commissioner handles complaints about residential aged care facilities and services delivered in a person's own home through home care packages (HCPs) or the Commonwealth Home Support Programme (CHSP).

From 1 January 2019, the Aged Care Complaints Commission function will form part of the new independent Aged Care Quality and Safety Commission

Further information: <https://www.agedcarecomplaints.gov.au>

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## CURRENT EXAMINATION OF AGED CARE REGULATION

**Senate Inquiry: Effectiveness of the Aged Care Quality Assessment and accreditation framework for protecting residents from abuse and poor practices, and ensuring proper clinical and medical care standards are maintained and practised:** This inquiry was referred to the committee in response to the reported incidents at Oakden in SA. An interim report has been tabled which recommended an extension of the Inquiry for reporting till 28 November 2018. Further information:

[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/AgedCareQuality](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/AgedCareQuality)

**House of Representatives: Inquiry into the Quality of Care in Residential Aged Care Facilities in Australia:**

Following a referral from the Minister for Health the Committee is inquiring into the Quality of Care in Residential Aged Care Facilities in Australia. Further information:

[www.aph.gov.au/Parliamentary\\_Business/Committees/House/Health\\_Aged\\_Care\\_and\\_Sport/AgedCareFacilities](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Health_Aged_Care_and_Sport/AgedCareFacilities)

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## ADVOCACY SERVICES

The Older Persons Advocacy Network (OPAN) is funded to provide free, confidential and independent advocacy support to older people, their families and representatives. An advocate can provide information about aged care rights and responsibilities, listen to concerns, and help resolve concerns or complaints with an aged care service provider. Further information: <http://www.opan.com.au>

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## OTHER AGED CARE QUALITY AND COMPLIANCE MEASURES

There are a number of other aged care quality and compliance measures such as:

**Compulsory reporting for approved providers:** Identifying, reporting and responding to allegations of assault and unexplained absences in residential aged care.

**Police Certification Guidelines for Aged Care Providers:** These guidelines have been developed to assist approved providers with the management of police certificate requirements.

**Prudential and Approved Provider Regulation Client Service Charter:** The Prudential and Approved Provider Regulation Branch within the Aged Care Quality and Compliance Group administers national programs relating to the prudential regulation of approved providers charging accommodation bonds and also the approval of providers of aged care.

Further information: <https://agedcare.health.gov.au/ensuring-quality/aged-care-quality-and-compliance>

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ACSA is the peak body for Australia's not-for-profit, church, charitable and community-based aged care providers.  
- 18 August 2018