

# Notices and compliance enforcement

January – March 2020

On 1 January 2020 the Commission became responsible for approval of providers, aged care compliance (including Prudential Standards) and compulsory reporting which were previously the responsibility of the Secretary of the Department of Health.

A non-compliance notice (NCN) is issued to the provider if the Commission is satisfied that a provider is non-compliant with its responsibilities under the Act. The NCN advises the provider of the non-compliance and gives the provider the opportunity to respond.

Where a provider's non-compliance has resulted in the Commission considering revoking their approval to deliver aged care through a sanction, the Commission may – in certain circumstances – first issue the provider a Notice to Agree (NTA). An NTA sets out actions a provider is required to do (including necessary timeframes). Should a provider fail to agree, their approval to provide Australian Government subsidised aged care may be revoked. Once a provider has agreed to an NTA, they are required to do the actions they've agreed to.

If the Commission is not satisfied with the provider's response to the NCN or NTA, or where there is immediate and severe risk, the Commission may issue a Notice of Decision to Impose Sanctions. This notifies the provider, in writing, of the Commission's decision to impose one or more sanctions on the provider. Further information can be found in the Commission's Regulatory Strategy on our website.

## Non-compliance<sup>1</sup>

**19**  
**notices**

## Notices to agree and sanctions<sup>2</sup>

7

Notices to agree 2

Sanctions 5

TABLE 1

### Non-compliance notices

Number of notices of non-compliance issued during the quarter	19
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TABLE 2

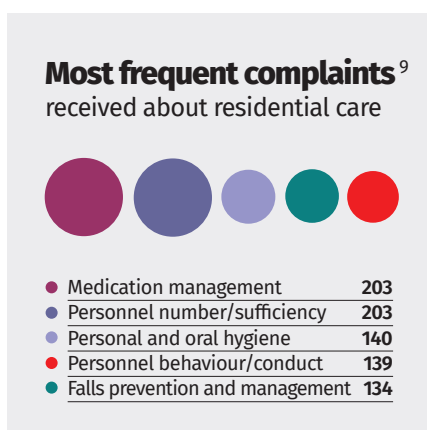
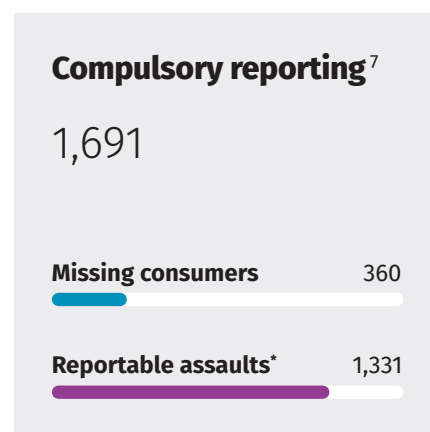
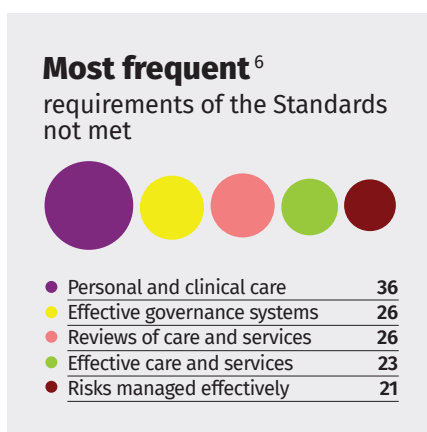
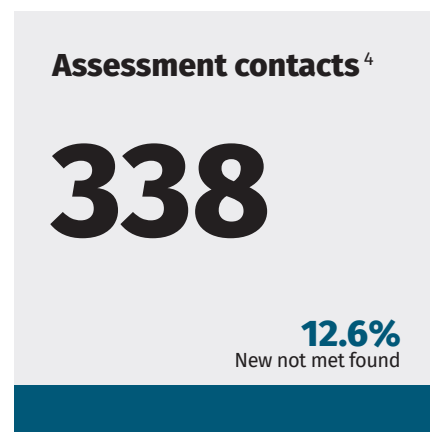
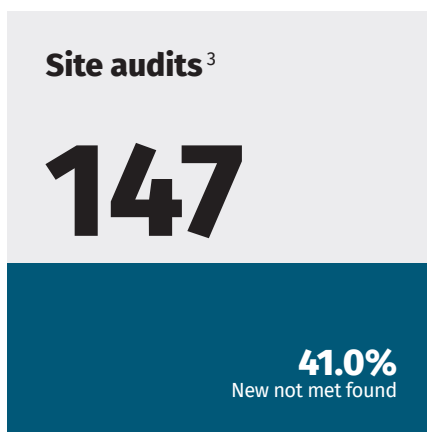
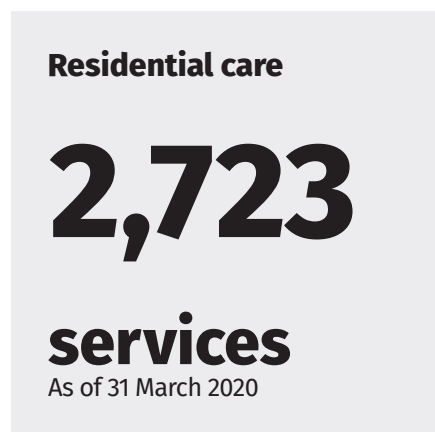
### Notices to agree and sanctions

Number of notices to agree issued during the quarter	2
Number of sanctions issued during the quarter	5



# Residential care sector performance

January – March 2020



# Residential care sector performance

January – March 2020

TABLE 3

## Residential care

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of services as at 31/3/20	883	766	472	248	246	71	12	25	<b>2,723</b>
Site audits	51	29	19	28	13	2	3	2	<b>147</b>
Review audits	4	0	2	2	3	0	0	0	<b>11</b>
Assessment contacts	81	84	69	42	46	13	1	2	<b>338</b>

TABLE 4

## Site audits

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of site audits	51	29	19	28	13	2	3	2	<b>147</b>
Number of site audits with decisions made as at 31/3/20	44	29	19	26	9	2	3	2	<b>134</b>
Number of times requirements of the Standards not met	29	3	7	10	4	0	0	2	<b>55</b>
% of all site audits where one or more requirements of the Standards were not met <sup>†</sup>	65.9%	10.3%	36.8%	38.5%	44.4%	0.0%	0.0%	100.0%	<b>41.0%</b>

<sup>†</sup> % figures based on 134 site audits.

TABLE 5

## Review audits

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of review audits	4	0	2	2	3	0	0	0	<b>11</b>
Number of review audits with decisions made as at 31/3/20	3	0	2	1	2	0	0	0	<b>8</b>
Number of times requirements of the Standards not met	3	–	2	0	2	–	–	–	<b>7</b>
% of all review audits where one or more requirements of the Standards were not met	100%	–	100%	0%	100%	–	–	–	<b>87.5%</b>



# Residential care sector performance

January – March 2020

TABLE 6

## Assessment contacts

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of assessment contacts	81	84	69	42	46	13	1	2	<b>338</b>
Number of assessment contacts with decisions made as at 31/3/20	69	80	66	40	38	13	1	2	<b>309</b>
Number of times requirements of the Standards not met	9	6	6	9	8	1	0	0	<b>39</b>
% of all assessment contacts where one or more requirements of the Standards were not met <sup>†</sup>	13.0%	7.5%	9.1%	22.5%	21.1%	7.7%	0.0%	0.0%	<b>12.6%</b>

<sup>†</sup> % figures based on 309 assessment contacts.

TABLE 7

## Accreditation decisions

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
<b>Re-accreditation decisions</b>									
Not to accredit	0	0	0	0	0	0	0	0	<b>0</b>
Accredit	44	29	19	26	9	2	3	2	<b>134</b>
Less than 1 year	4	0	0	0	0	0	0	0	<b>4</b>
1 year	14	1	3	2	1	0	0	2	<b>23</b>
Between 1 and 2 years	0	0	0	0	0	0	0	0	<b>0</b>
2 years	9	4	4	2	1	1	0	0	<b>21</b>
Between 2 and 3 years	0	0	0	0	0	0	0	0	<b>0</b>
3 years	17	24	12	22	7	1	3	0	<b>86</b>
<b>Review audit decisions</b>									
Not to revoke or vary	1	–	0	1	0	–	–	–	<b>2</b>
Revoke	0	–	0	0	0	–	–	–	<b>0</b>
Vary	2	–	2	0	2	–	–	–	<b>6</b>



# Residential care sector performance

January – March 2020

TABLE 8

## Decisions of non-compliance with the Standards \*

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
<b>Site audits and review audits</b>									
1 requirements of the Standards not met	4	1	1	2	1	0	0	0	<b>9</b>
2 requirements of the Standards not met	5	1	3	3	0	0	0	0	<b>12</b>
3 requirements of the Standards not met	2	1	0	3	2	0	0	0	<b>8</b>
4 requirements of the Standards not met	1	0	1	0	0	0	0	0	<b>2</b>
5-10 requirements of the Standards not met	4	0	2	0	0	0	0	1	<b>7</b>
11-15 requirements of the Standards not met	3	0	2	1	0	0	0	1	<b>7</b>
16-20 requirements of the Standards not met	3	0	0	0	0	0	0	0	<b>3</b>
More than 20 requirements of the Standards not met	5	0	0	0	0	0	0	0	<b>5</b>

\* Note that 'new non-compliance' here indicates when a service moves from compliant to non-compliant. This is slightly different than the 'number of times new Standard requirements not met'. As such the total here will not match the totals from Tables 4 – 6.



# Residential care sector performance

January – March 2020

TABLE 9

## Decisions of non-compliance with the Standards\*

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
<b>Assessment contacts</b>									
1 requirements of the Standards not met	2	3	2	4	4	0	0	0	15
2 requirements of the Standards not met	1	0	2	4	3	0	0	0	10
3 requirements of the Standards not met	2	1	0	0	0	0	0	0	3
4 requirements of the Standards not met	0	1	0	0	0	0	0	0	1
5-10 requirements of the Standards not met	1	0	2	0	0	0	0	0	3
11-15 requirements of the Standards not met	0	0	0	0	0	0	0	0	0
16-20 requirements of the Standards not met	0	0	0	0	0	0	0	0	0
More than 20 requirements of the Standards not met	0	0	0	0	0	0	0	0	0

\* Note that 'new non-compliance' here indicates when a service moves from compliant to non-compliant. This is slightly different than the 'number of times new Standard requirements not met'. As such the total here will not match the totals from Tables 4 – 6.

TABLE 10

## Most frequent requirements of the Standards not met

	RANK	NUMBER
<b>Site audits and review audits</b>		
3.a Safe and effective personal and clinical care	1	36
8.c Effective governance systems	2	26
2.e Regular reviews of care and services	3	26
2.a Safe and effective care and services	4	23
3.b High impact or high prevalence risks managed effectively	5	21
7.a Number and mix of workforce	6	19
2.b Current needs, goals and preferences	7	19
6.d Feedback and complaints reviewed for continuous improvement	8	18
6.c Open disclosure and complaints response	9	18
8.d Risk management systems and practices	10	17



# Residential care sector performance

January – March 2020

TABLE 11

## Most frequent requirements of the Standards not met

<b>Assessment contacts</b>	
3.a Safe and effective personal and clinical care	15
3.b High impact or high prevalence risks managed effectively	13
8.d Risk management systems and practices	8
8.c Effective governance systems	5
7.a Number and mix of workforce	5
5.b Safe, clean and well maintained service environment	4
2.d Communication of assessment and planning outcomes	4
2.e Regular reviews of care and services	3
2.b Current needs, goals and preferences	3
2.a Safe and effective care and services	3

TABLE 12

## Complaints about residential care

Number of complaints received	1,414
Notices issued from complaints	1
Directions issued from complaints	0

TABLE 13

## Most frequent complaint issues received about residential care

Medication management	203
Personnel number/sufficiency	203
Personal and oral hygiene	140
Personnel behaviour/conduct	139
Falls prevention and management	134



# Residential care sector performance

January – March 2020

TABLE 14

## Numbers of compulsory reporting

Number of missing consumers	360
Number of reportable assaults *	1,331
Total numbers of compulsory reporting	1,691

\* Includes three sub-categories of serious physical assault, sexual assault, and a combination of serious physical and sexual assault.

Approved providers of residential aged care services are responsible for ensuring that suspicions or allegations of reportable assaults occurring at their services are reported within 24 hours to:

- local police
- the Commission

The law also requires service providers to report that a resident is absent without explanation (also known as a missing resident).

These requirements ensure that those affected receive timely help and support, and that operational and organisational strategies are put in place to prevent the situation from occurring again. Such strategies help maintain a safe and secure environment for residents.





# Home services sector performance

January – March 2020

## Home care <sup>11</sup>

# 2,225

## services

As of 31 March 2020

## Quality audits <sup>12</sup>

# 29

### 41.4%

New not met found

## Assessment contacts <sup>13</sup>

# 51

### 20.8%

New not met found

## Most frequent <sup>14</sup>

requirements of the Standards not met in quality reviews



Effective care and services	6
Effective governance systems	6
Reviews of care and services	5
Workforce training and support	4
Current needs and preferences	3

## Home services <sup>15</sup>

# 529

## complaints

## Most frequent complaints <sup>16</sup>

received about home services



Consultation and Communication	108
Fees and charges	103
Consistent client care	84
Management of finances	68
Domestic assistance	59



Australian Government

Aged Care Quality and Safety Commission

# Home services sector performance

January – March 2020

TABLE 15

## Home services

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of home services as at 31/3/20	736	463	536	188	125	70	77	30	<b>2,225</b>
Quality audits	1	20	3	0	0	5	0	0	<b>29</b>
% with new standard requirements not met	0.0%	50.0%	33.3%	–	–	20.0%	–	–	<b>41.4%</b>
Assessment contacts	3	25	8	9	4	0	2	0	<b>51</b>
% with new requirements not met	0.0%	28.0%	0.0%	22.2%	0.0%	–	50.0%	–	<b>20.8%</b>

TABLE 16

## Quality audits

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of Quality audits	1	20	3	0	0	5	0	0	<b>29</b>
Number of times requirements of the Standards not met	0	10	1	–	–	1	–	–	<b>12</b>
% of Quality audits where one or more requirements of the Standards were not met	0.0%	50.0%	33.3%	–	–	20.0%	–	–	<b>41.4%</b>

TABLE 17

## Assessment contacts

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
Number of assessment contacts	3	25	8	9	4	0	2	0	<b>51</b>
Number of assessment contacts with decisions made as at 31/3/20	2	25	8	9	2	0	2	0	<b>48</b>
Number of times requirements of the Standards not met	0	7	0	2	0	–	1	–	<b>10</b>
% of assessment contacts where one or more requirements of the Standards were not met	0.0%	28.0%	0.0%	22.2%	0.0%	–	50.0%	–	<b>20.8%</b>



# Home services sector performance

January – March 2020

TABLE 18

## Decisions of non-compliance with the Standards\*

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
<b>Quality audits</b>									
1 requirements of the Standards not met	0	3	0	0	0	0	0	0	<b>3</b>
2 requirements of the Standards not met	0	3	0	0	0	0	0	0	<b>3</b>
3 requirements of the Standards not met	0	2	0	0	0	0	0	0	<b>2</b>
4 requirements of the Standards not met	0	0	1	0	0	1	0	0	<b>2</b>
5-10 requirements of the Standards not met	0	1	0	0	0	0	0	0	<b>1</b>
11-15 requirements of the Standards not met	0	1	0	0	0	0	0	0	<b>1</b>
More than 20 requirements of the Standards not met	0	0	0	0	0	0	0	0	<b>0</b>

\* Note that 'new non-compliance' here indicates when a service moves from compliant to non-compliant. This is slightly different than the 'number of times new Standard requirements not met'. As such the total here will not match the totals from Table 16.



# Home services sector performance

January – March 2020

TABLE 19

## Decisions of non-compliance with the Standards \*

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUS
<b>Assessment contacts</b>									
1 requirements of the Standards not met	0	3	0	1	0	0	1	0	5
2 requirements of the Standards not met	0	2	0	0	0	0	0	0	2
3 requirements of the Standards not met	0	1	0	0	0	0	0	0	1
4 requirements of the Standards not met	0	0	0	0	0	0	0	0	0
5-10 requirements of the Standards not met	0	0	0	0	0	0	0	0	0
11-15 requirements of the Standards not met	0	0	0	0	0	0	0	0	0
More than 20 requirements of the Standards not met	0	0	0	0	0	0	0	0	0

\* Note that 'new non-compliance' here indicates when a service moves from compliant to non-compliant. This is slightly different than the 'number of times new Standard requirements not met'. As such the total here will not match the totals from Table 17.

TABLE 20

## Most frequent requirements of the Standards not met

	RANK	NUMBER
<b>Quality Audits</b>		
2.a Safe and effective care and services	1	6
8.c Effective governance systems	2	6
2.e Regular reviews of care and services	3	5
7.d Recruitment training and support for workforce	4	4
2.b Current needs, goals and preferences	5	3
7.e Workforce performance assessment, monitoring and review	6	3
3.c End of life care	7	2
8.e Clinical governance framework	8	2
3.d Recognition and response to deterioration	9	2



# Home services sector performance

January – March 2020

TABLE 21

## Most frequent requirements of the Standards not met

<b>Assessment contacts</b>	
8.c Effective governance systems	4
7.a Number and mix of workforce	2
2.a Safe and effective care and services	2
1.e Current Information for choice	2
6.c Open disclosure and complaints response	1
2.e Regular reviews of care and services	1
6.d Feedback and complaints reviewed for continuous improvement	1
3.b High impact or high prevalence risks managed effectively	1

TABLE 22

## Complaints about home services \*

Number of complaints received	529
Notices issued from complaints	0
Directions issued from complaints	0

\* Home services includes Commonwealth Home Support Programme (CHSP) and Home Care Packages (HCP).

TABLE 23

## Most frequent complaint issues received about home services

Consultation and communication – Lack of consultation/communication	108
Financial – Fees and charges	103
Client Assessment and service implementation – Consistent client care and coordination	84
Financial – Management of finances	68
Social and domestic assistance – Domestic assistance	59



# Flexible care sector performance

January – March 2020

Flexible care <sup>17</sup>

**36**

**services**

As of 31 March 2020

Quality audits <sup>18</sup>

**0**

Assessment contacts <sup>19</sup>

**5**

**2**

New Standard  
requirements not met

**50.0%**

Flexible care <sup>20</sup>

**27**

**complaints**



Australian Government

Aged Care Quality and Safety Commission

# Flexible care sector performance

January – March 2020

TABLE 24

## Quality audits

Number of Quality audits	0
Number of Quality audits with decisions made as at 31/3/20	0
Number of times requirements of the Standards not met	–
% of Quality audits where not met was found	–

TABLE 25

## Assessment contacts

Number of assessment contacts	5
Number of assessment contacts with decisions made as at 31/3/20	4
Number of times requirements of the Standards not met	2
% of assessment contacts where not met was found	50.0%

TABLE 26

## Decisions of non-compliance with the Standards\*

### Quality audits

1 requirements of the Standards not met	–
2 requirements of the Standards not met	–
3 requirements of the Standards not met	–
4 requirements of the Standards not met	–
5-10 requirements of the Standards not met	–
11-15 requirements of the Standards not met	–
16-20 requirements of the Standards not met	–
More than 20 requirements of the Standards not met	–

TABLE 27

## Decisions of non-compliance with the Standards\*

### Assessment contacts

1 requirements of the Standards not met	2
2 requirements of the Standards not met	0
3 requirements of the Standards not met	0
4 requirements of the Standards not met	0
5-10 requirements of the Standards not met	0
11-15 requirements of the Standards not met	0
16-20 requirements of the Standards not met	0
More than 20 requirements of the Standards not met	0

TABLE 28

## Complaints about flexible care services<sup>†</sup>

Number of complaints received	27
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\* Note that 'new non-compliance' here indicates when a service moves from compliant to non-compliant. This is slightly different than the 'number of times new Standard requirements not met'. As such the total here will not match the totals from Tables 24 – 25.

† Flexible aged care services includes flexible/community care complaints and undetermined cases.



# Provider approvals

January – March 2020

The Commission assesses applications from potential providers. A risk-based approach is applied to determine suitability to provide care. Approved providers must meet minimum requirements under legislation for approval and continue to meet relevant obligations including notification of material changes to their circumstances.

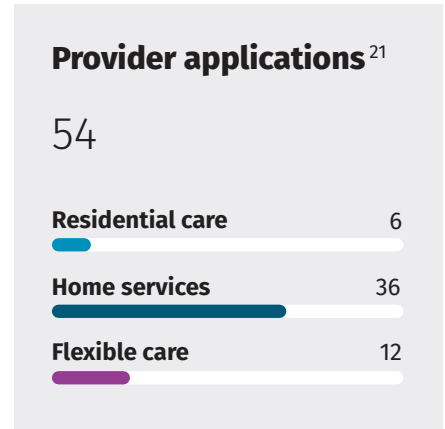


TABLE 29

## Provider applications\*

Residential care	6
Home services	36
Flexible care	12

\* An application may be for more than one care type. Total numbers for this table may not equal applications received figure in Table 30.

TABLE 30

## Application outcomes

Applications received	40
Applications approved <sup>†</sup>	1
Applications not approved <sup>‡</sup>	10
Applications that did not proceed <sup>§</sup>	18

- † Includes approvals, and deemed approvals.
- ‡ A delegate has made a decision not to approve the applicant's application.
- § An application may not proceed because it is either incomplete, withdrawn by the applicant, or the applicant failed to provide the requested information within legislative timeframes.







### Infographic footnotes

- 1 Refer to Table 1
- 2 Refer to Table 2
- 3 Refer to Table 4
- 4 Refer to Table 6
- 5 Refer to Table 5
- 6 Refer to Table 10
- 7 Refer to Table 14
- 8 Refer to Table 12
- 9 Refer to Table 13
- 10 Refer to Table 12
- 11 Home services (Help at Home) include Home Care Packages and Commonwealth Home Support Program
- 12 Refer to Table 16
- 13 Refer to Table 17
- 14 Refer to Table 20
- 15 Refer to Table 22
- 16 Refer to Table 23
- 17 36 services are National Aboriginal and Torres Strait Islander Flexible Aged Care Program services that are subject to quality reviews.
- 18 Refer to Table 24
- 19 Refer to Table 25
- 20 Refer to Table 28
- 21 Refer to Table 29

### Note

Tables 8, 9, 18, 19, 26 and 27 indicate the extent of the non-compliance when it is first detected by the Commission. Decisions in these tables refers to instances where the Commission identifies non-compliance with the Quality Standards following a service being fully compliant. Detection rates are shown as a percentage of quality activities with finalised decisions as at 24 April 2020. Complaints data is extracted as at 30 April 2020 and may change as the data is updated. Provider approvals/ Compliance and compulsory reporting data is extracted as at 14 April 2020 and 22 May 2020 respectively and may change as the data is updated.



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### Write

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