

Statement of Expectations

Aged Care Quality and Safety Commission

1 Introduction

The Aged Care Quality and Safety Commission (ACQSC) was established on 1 January 2019. The ACQSC works under the *Aged Care Quality and Safety Commission Act 2018 (the Act)* and the *Aged Care Quality and Safety Commission Rules 2018*. The ACQSC is a non-corporate Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013 (PGPA Act)*.

The ACQSC replaces the former Australian Aged Care Quality Agency and the Aged Care Complaints Commissioner. From January 2020, subject to legislative amendment, the ACQSC will incorporate the aged care regulatory functions of the Department of Health.

This Statement outlines the Australian Government's expectations of the ACQSC in carrying out its role and functions in the context of the Government's policy agenda. The Statement also outlines expectations for how the ACQSC manages its relationships with the Government, consumers, other key stakeholders and issues of transparency and accountability.

2 Role and functions

The Australian Government's vision is for the ACQSC to protect and enhance the health, safety, well-being and quality of life of aged care consumers of Australian government-subsidised aged care services. The ACQSC also promotes aged care consumers' confidence and trust in the provision of aged care services and engagement with aged care consumers about the quality of care and services provided by aged care providers.

Key functions as set out in the Act include:

- protecting and enhancing the safety, health, wellbeing and quality of life of aged care consumers;
- promoting the provision of quality care and services;
- consumer engagement functions;
- complaints functions;
- regulatory functions; and
- education functions.

The role of the ACQSC is to independently accredit, assess and monitor aged care services that are subsidised by the Australian Government. The ACQSC also resolves complaints about these services. Through its engagement and education work ACQSC builds confidence and trust in the aged care system, empowers consumers to make informed choices, provides education and information about matters relating to its functions, and promotes best practice service provision.

The Government expects the ACQSC to carry out its functions in a way that strengthens the focus on consumers, streamlines regulation, supports better engagement with consumers and providers and promotes transparency. In doing so, the ACQSC will be able to better target areas of risk and aged care services that provide sub-standard care and respond earlier to failures in care by aged care providers. The ACQSC will be a trusted single point of contact for aged care recipients, their families and loved ones, and aged care providers.

3 Relationship with Government and responsible Minister

The Minister responsible for the Act, through the Department of Health (the Department) has overarching responsibility for the policy, program and regulatory oversight of the quality and safety of aged care services funded by the Australian Government. The Minister expects to be fully informed in a timely manner about any emerging trends, issues or risks relevant to the ACQSC's operations, particularly those that may impact on Government operations or policies.

The Government recognises and respects the statutory independence of the role of the Commissioner. It is imperative the Commissioner acts independently and objectively in performing ACQSC's functions and exercising powers as set out in the Act.

The Aged Care Quality and Safety Advisory Council (the Advisory Council) provides advice to the Commissioner on its own initiative, or at the Commissioner's request, in relation to the functions of the Commissioner. At the request of the Minister, the Advisory Council provides advice about matters in relation to the performance of the Commissioner's functions.

The Advisory Council will make an important contribution to both the direction and implementation of the Commission's role and responsibilities.

The Secretary of the Department plays an important role in providing the Government with policy advice in its oversight of portfolio agencies. To ensure that the Secretary and the Department can undertake this advisory role, it is important that the Commissioner continues to inform the Minister and the Secretary (or the Department) of relevant issues and information affecting the portfolio.

The Government expects that the ACQSC delivers the Minister's expectations based on the principles of open communication, no surprises and information sharing, and the understanding that the ACQSC will provide feedback to the Department through the appropriate channels should there be any concerns or clarification of legislative requirements or policy issues.

4 Government's policy priorities for aged care

The Government expects that, in performing its role and functions, the ACQSC takes into account the Government's broad policy framework, including its consumer-centred aged care agenda and the aged care quality improvement agenda.

The ACQSC should work collaboratively with the Department on the continuing development and implementation of aged care reform initiatives including:

- Single Charter
 - Implement a single charter of rights and responsibilities for all aged care consumers.
- Improved regulation
 - Introduce a clinical governance framework to support providers to meet the requirements of the single set of quality standards
 - Implement improved risk profiling and information sharing
 - Progressively move towards risk-based assessment
- Greater transparency for consumers
 - Implementation of an open disclosure framework to support providers to meet the requirements of the standards
 - Develop 'easy to read' plain-English audit reports (by July 2020)
 - Develop and implement a process to name non-responsive or non-compliant providers.

- Home Care Quality and Compliance
 - Develop an end-to-end compliance response to safeguard the quality, safety and integrity of aged home care services
- Build a sustainable regulatory system
 - Develop a resource model for aged care regulation

5 Other priority areas

In fulfilling its role, the ACQSC is expected to focus on achieving a seamless transition of its functions and ensure its processes and activities are efficient, effective and deliver high quality outcomes.

Priority areas should include phase two transition and streamlining of compliance functions and establishing and operationalising the ACQSC's consumer engagement and clinical advisory functions. Close attention should also be given to monitoring applicable standards and advising on risks of substandard care, including issues identified through an analysis of complaints, non-compliance and consumer experience data. Accreditation assessments are to be undertaken in a way that best assesses areas of risk to aged care consumers, including undertaking assessments outside of normal business hours.

The ACQSC should also give high priority to implementation and monitoring of the existing aged care standards until 30 June 2019 and the new Aged Care Quality Standards from 1 July 2019 through its regulatory and information and education programs. The ACQSC should also seek and consider clinical advice that is relevant to the performance of its functions including from the Chief Clinical Advisor.

The Royal Commission into Aged Care Quality and Safety has been established to determine the full extent of the problems in aged care and to understand how the challenges and the opportunities of delivering aged care services now and into the future can be met. The ACQSC should fully cooperate with any requests for information and assistance from the Royal Commission.

6 Engagement with stakeholders

It is important that the ACQSC develops productive relationships with consumers and aged care providers to effectively deliver the functions of the ACQSC and support developing and implementing the Government's significant aged care quality reform agenda. The Government has a clear expectation that the ACQSC has an important role to play, engaging with consumers and providers through multiple channels and varied settings to ensure quality of care and promote better practice in aged care.

The ACQSC also has an important role to play in promoting public awareness and confidence in the provision of aged care services and in promoting engagement with aged care consumers about the quality of care and services provided by aged care providers. The ACQSC should explore multiple means of engaging with aged care consumers and their families in the complaints resolution and accreditation and monitoring processes including those from diverse backgrounds.

7 Organisational governance, financial management and reporting

The requirements for the ACQSC's financial management are set out in relevant legislation such as the PGPA Act. The Commissioner is accountable for the performance of the ACQSC's functions and its financial management. The Commissioner is responsible for exercising powers and discharging duties in good faith and in the best interests of the ACQSC and therefore of the Commonwealth.

The ACQSC has capacity to employ staff under the *Public Service Act 1999* (PS Act). Under the PS Act, agencies are required to uphold and promote the APS Values. All APS employees are required to adhere to the APS Code of Conduct as provided by Section 13 of the PS Act.

In addition to reporting and planning requirements set under the PGPA Act, the ACQSC will prepare reports and plans in accordance with Part 6 of the Act. The ACQSC is also responsible for reporting under the Government's Regulatory Performance Framework.

8 Conclusion

The Government considers that the ACQSC has an important role, working in consultation with the Department, to promote and improve confidence and trust in the Australian aged care system.

In meeting the expectations outlined in this Statement, the ACQSC should strive for excellence in the performance of its functions to underpin the Government's delivery of aged care reforms and ensure the Australian aged care system achieves the best possible quality of care and outcomes for older Australians.