



# Regulatory Bulletin

## Exclusion of specific dates for unannounced visits

RB 2019-03

**This Regulatory Bulletin outlines the Commission's policy regarding approved provider requests to exclude specific dates for an unannounced activity and includes criteria to guide approved providers when determining those dates.**

### Key points

- Approved providers may request that up to five specific dates per annum be excluded for an unannounced activity.
- The Commission will not 'approve' dates identified by approved providers.
- Approved providers are required to ensure that the excluded dates meet certain criteria as outlined in this Regulatory Bulletin.
- If required, the Commission may conduct an unannounced activity on an excluded date.



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**Information in this bulletin applies to:** All residential aged care services and flexible care services through which short-term restorative care is provided in a residential care setting.

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**Attachment:** n/a

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**Notes:** This Regulatory Bulletin has been updated with a minor edit to frequently asked question 9.

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**To be reviewed:** 14 December 2021

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# Exclusion of specific dates for unannounced visits

**Unannounced site audits are conducted at residential services following an application for re-accreditation. The Aged Care Quality and Safety Commission (Commission) may conduct other regulatory activities such as assessment contacts and review audits with no prior notice, written or otherwise, to the approved provider of a service. These 'unannounced' activities help ensure the Aged Care Quality Standards (Quality Standards) are maintained at all services at all times.**

There may be some dates where the conduct of an unannounced activity may have a greater impact on aged care consumers (consumers), or where consumer involvement in the activity may be limited. As a result, approved providers are able to request specific dates be excluded for an unannounced activity (excluded dates).

Although the Commission does not guarantee visits will not occur on those days, the Commission will consider these dates in scheduling activities.

## **Aged Care Quality and Safety Commission Rules 2018**

**The Aged Care Quality and Safety Commission Rules 2018 (Rules) do not require the Commission to notify an approved provider of the date(s) that a site audit will be conducted. In addition, under the Rules assessment contacts or a review audit with the approved provider of an accredited service may be made without notice.**



## Frequently asked questions

### 1. How many days are approved providers able to request be excluded from an unannounced activity?

Approved providers are able to request that up to five specific dates be excluded for an unannounced visit to a service. The five day limit applies to a calendar year.

Unless an approved provider requests a change to the excluded dates for a service, the dates will remain the same for future calendar years.

### 2. When determining excluded dates are there any criteria that must be met?

Approved providers should ensure that any excluded dates meet the following criteria:

- The dates are of **significance to consumers** and if an unannounced activity was to proceed on that date, it would have a **direct impact on consumers**
- The dates fall under one or more of these categories:
  - **Cultural:** The day has cultural significance to a large proportion of consumers of the service.
  - **Religious:** The day has religious significance to a large proportion of consumers of the service.
  - **Consumers unavailability:** Consumers are attending an event or function away from the service and this will limit consumer participation in Assessment Team interviews during a visit on a particular date.
  - **Other regulatory:** Another regulatory authority has scheduled an audit or visit to a service on a particular date.

### 3. What are examples of dates that would not meet the above criteria?

Examples of dates that would not meet the above criteria include:

- days where service personnel are attending a Commission workshop or training event
- dates where key personnel are taking annual leave
- cultural day with significance to personnel of the service but with limited significance to consumers of the service.

### 4. What regulatory activities are covered by this Bulletin?

Excluded dates requested by providers may be considered by the Commission when scheduling unannounced site audits, review audits and assessment contacts.



## 5. How do approved providers notify the Commission of excluded dates?

Approved providers may notify the Commission of excluded dates when completing the [application for re-accreditation](#). The application form includes a 'Dates considered not suitable' section where providers are able to list any excluded dates together with the reason on why the date is not suitable.

Approved providers are also able to advise the Regional Director of the relevant regional office of the identified excluded dates and the reasons at any time by sending an email to:

### Adelaide:

[sa\\_nt@agedcarequality.gov.au](mailto:sa_nt@agedcarequality.gov.au)

### Brisbane:

[queensland@agedcarequality.gov.au](mailto:queensland@agedcarequality.gov.au)

### Melbourne:

[vic\\_tas@agedcarequality.gov.au](mailto:vic_tas@agedcarequality.gov.au)

### Perth:

[wa@agedcarequality.gov.au](mailto:wa@agedcarequality.gov.au)

### Sydney:

[nsw\\_act@agedcarequality.gov.au](mailto:nsw_act@agedcarequality.gov.au)

Ensure that the email subject is 'ATT: REGIONAL DIRECTOR Excluded dates for unannounced activity'.

If there are any changes or additions to the excluded dates previously notified to the Commission, these should also be emailed to the Regional Director (refer to question 7 for further details on changes and additions).

## 6. Will the Commission provide approval for notified dates?

No. The Commission will not approve excluded dates that have been requested by approved providers. It is the responsibility of approved providers to ensure that the above criteria are met prior to submitting any dates.

If the Commission identifies a pattern or issues related to dates submitted by an approved provider, an assessment contact may be conducted via a phone call to the provider to discuss the dates and how they meet the criteria.

For example, the Commission may conduct an assessment contact where an approved provider identifies five excluded dates and all of the dates fall within the period following an application for re-accreditation and accreditation expiry.



## 7. Are approved providers able to change excluded dates or add additional dates?

Yes. Approved providers are able to amend future excluded dates. Approved providers may also add additional dates as long as the total dates are no more than five per calendar year per service.

For example, an approved provider has notified the Commission of the following excluded dates:

- 1 January
- 1 March
- 1 June
- 1 July

Following the initial notification the approved provider identifies 1 November as an additional excluded date in accordance with the criteria. As the provider has previously identified four days, they notify the Commission of the additional date.

Due to changes in the service, the approved provider would like to remove the 1 January and 1 March dates from the excluded dates. Instead, they would like to include 1 August and 1 December as excluded dates. The provider notifies the Commission of this change in September and the amendments are made for the following calendar years.

Approved providers are able to advise the Regional Director of the relevant regional office of any changes or additions to the excluded dates by sending an email to:

### Adelaide:

[sa\\_nt@agedcarequality.gov.au](mailto:sa_nt@agedcarequality.gov.au)

### Brisbane:

[queensland@agedcarequality.gov.au](mailto:queensland@agedcarequality.gov.au)

### Melbourne:

[vic\\_tas@agedcarequality.gov.au](mailto:vic_tas@agedcarequality.gov.au)

### Perth:

[wa@agedcarequality.gov.au](mailto:wa@agedcarequality.gov.au)

### Sydney:

[nsw\\_act@agedcarequality.gov.au](mailto:nsw_act@agedcarequality.gov.au)

Ensure that the email subject is 'ATT: REGIONAL DIRECTOR Changes to excluded dates for unannounced activity'.



## 8. Will the Commission conduct regulatory activities on notified excluded dates?

The Commission may conduct a regulatory activity at any time, including outside of business hours and on weekends, for example:

- where necessity for an activity arises due to regulatory intelligence about concerns regarding the quality of care and services
- where the Commission has concerns that the approved provider may not be complying with the Quality Standards
- notified 'dates considered not suitable' and reasons provided are noted by the Commission as being inconsistent with the criteria.

The Commission will not consider excluded dates in these circumstances.

## 9. Do these arrangements apply to home services?

The majority of visits to home services are 'announced' and the date of the visit is scheduled in consultation with the home service provider. The Aged Care Quality and Safety Commissioner (Commissioner) may organise a quality audit site visit without written notice under the Rules if the Commissioner considers on reasonable grounds that the home service may not be complying with the Quality Standards. The Commissioner may also make an assessment contact with a home service provider at any time and without notice.

### Need to know more?

If you have any questions or feedback on this Bulletin, please send an email to: [info@agedcarequality.gov.au](mailto:info@agedcarequality.gov.au)

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