



# Regulatory Bulletin

## Assessment contacts in residential aged care

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**This Regulatory Bulletin covers the Commission's processes and responsibilities in relation to assessment contacts in accredited services.**

### Key points

- Assessment contact means any form of contact other than a site audit or a review audit between a regulatory official and the approved provider of the service for a purpose as outlined in this Regulatory Bulletin.
- Assessment contacts are activities conducted by the Commission to monitor accredited services.
- The Commissioner may decide to make an assessment contact at any time, including outside of business hours and on weekends.
- Assessment contacts can be made with notice (announced) or without notice (unannounced).
- The focus of unannounced assessment contacts will vary in response to current and emerging risk.
- The Commissioner may identify that there is a need for a review audit of the service, during or after an assessment contact.



**Assessment contacts are an important part of the Aged Care Quality and Safety Commission (Commission)'s regulatory framework for monitoring the compliance of accredited services.**

Determining the arrangements for assessment contacts is a regulatory decision made by the Aged Care Quality and Safety Commissioner (Commissioner), this includes determining when an assessment contact will be conducted and for what purposes.

**In this Bulletin:**

- Accredited service means both residential aged care services and flexible care services through which short-term restorative care is provided in a residential care setting.
- Quality Standards refers to the Aged Care Quality Standards, effective from 1 July
- Regulatory official means the Commissioner, their delegate or a registered quality assessor
- An assessment team may consist of one or more registered quality assessor.

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

**The Aged Care Quality and Safety Commission Rules 2018 (Rules) define an assessment contact as any form of contact other than a site audit or a review audit between a regulatory official and the approved provider of the service.**

The assessment contact is completed for one or more of the following purposes:

- to assess the approved provider's performance, in relation to the service against the Quality Standards
- to assist the approved provider's process of continuous improvement in relation to the service
- to identify whether there is a need for a review audit of the service
- to give the approved provider additional information or education about the accreditation or re-accreditation process and requirements.

The Rules require the Commissioner to determine arrangements for assessment contacts when making decisions about the accreditation of commencing services or the re-accreditation of accredited and previously accredited services. Other provisions under the Rules include informing aged care consumers (consumers) and their nominated representatives about an assessment contact in the form of a visit to the premises; requesting information or documents; actions following an assessment contact; and variations to the arrangements for assessment contacts.



## Frequently asked questions

### 1. Why would an assessment contact be conducted by the Commission?

Assessment contacts are activities conducted by the Commission to monitor the performance of aged care services. Assessment contacts are not site audits or review audits.

The Commission may conduct an assessment for a number of reasons:

- Assess performance against the Quality Standards
  - The end of a timetable for improvement.
  - A previous site audit, review audit or assessment contact identified failure to meet the Quality Standards.
  - Receipt of information or regulatory intelligence about the service, for example, a referral from the Department of Health (the Department) or complaints received by the Commissioner.
  - The introduction of a regulatory campaign to address systemic risks prevalent at a sector level.
- Assist with continuous improvement
  - A previous site audit, review audit or assessment contact identified improvements were required to ensure compliance with the Quality Standards.
  - Changes in regulatory compliance expectations for the sector.
- To identify if there is a need for a review audit
  - Based on receipt of information or regulatory intelligence about the service, for example, a referral from the Department or complaints received by the Commissioner.
  - The approved provider has failed to comply with arrangements for assessment contacts.
- Additional information or education
  - Provide information at an approved provider's board or consumer meeting regarding key issues identified during the re-accreditation process.
  - The approved provider requested a compliance assistance support (Qassist) session on the accreditation process.
  - An assessment team recommended a service may benefit from education related to a particular area of the Quality Standards.

**Site audits** and **review audits** involve an assessment team carrying out a comprehensive assessment of the quality of care and services provided through the service against all of the Quality Standards.

- A **site audit** is required to be conducted so that the Commission can make a decision on an application for re-accreditation.
- A **review audit** may be conducted so that the Commission can assess continuing performance against the Quality Standards and review the service's accreditation status.



## 2. When are arrangements for assessment contacts determined?

The Commission may decide to make an assessment contact at any time, including outside of business hours and on weekends.

The Rules require the Commissioner to determine the arrangements for assessment contacts when making a decision to accredit a commencing service, or re-accredit an accredited service.

The Commissioner considers the individual situation of the service and any relevant information when determining the arrangements for assessment contacts. The arrangements for future assessment contacts may be varied by the Commissioner after conducting an assessment contact or as required.

When deciding the arrangements of an assessment contact, the Commissioner will determine the purpose(s) of the assessment contact, the type of contact such as site visit or phone call, the timeframe for completing the assessment contact and the scope of the assessment contact.

## 3. What are the different ‘types’ of assessment contacts?

Assessment contacts can be conducted by a regulatory official in a variety of ways depending on the risk profile of the service and the reason for the assessment contact.

- A **desk assessment contact** means contacting the approved provider by phone or email and requesting information that can be obtained without a visit to the service. This might be conducted when a visit is not possible due to travel restrictions or other reasons. For example, a quality assessor contacts an approved provider to review their progress against the service’s plan for continuous improvement; or the Commissioner’s delegate contacts an approved provider to discuss a change in regulatory compliance expectations.
- A **site assessment contact** means visiting a service when information required by the Commissioner for monitoring purposes requires a visit. For example, at the end of the period set out in a timetable for improvement a quality assessor attends the premises of a service to assess the approved provider’s performance against the Quality Standards.
- A **Qassist assessment contact** is provided by attending a service that has requested compliance assistance support. Qassist is the Commission’s regulatory compliance assistance education program designed to help the aged care sector improve compliance and consumer outcomes.

An assessment contact may be conducted via attendance at a management meeting or board meeting to provide information on the accreditation process or to discuss requirements.



#### 4. Are approved providers notified of an assessment contact?

Assessment contacts can be announced (prior notice given to the approved provider of a service) or unannounced (made without notice).

##### **Announced assessment contacts**

are conducted with written notice to the approved provider of the service. The approved provider is notified in writing of the assessment contact arrangements and any variation to those arrangements. This includes information about the purpose(s) of the assessment contact, the form the assessment contact will take and, where possible, the scope of the assessment contact.

The Commission may make an announced assessment contact:

- where an approved provider has requested a compliance assistance support (Qassist) session on the accreditation process.
- where an assessment team recommends that a service may benefit from education related to a particular area of the Quality Standards
- at the end of a timetable for improvement.

##### **Unannounced assessment contacts**

are an important part of the Commission's compliance monitoring, usually undertaken for the purpose of assessing the approved provider's performance, in relation to the service, against the Quality Standards or to identify whether there is a need for a review audit of the service. They are conducted with no prior notice, written or otherwise, to the approved provider of the service.

Unannounced assessment contacts provide increased assurance to the public that services comply with the Quality Standards at all times. The Commissioner may conduct an unannounced assessment contact:

- in response to complaints information received by the Commission to follow up gaps in systems and processes identified in a previous site audit or assessment contact.
- to support the introduction of a regulatory campaign to address systemic risks prevalent at a sector level.
- when an approved provider fails to comply with arrangements for assessment contacts.

#### 5. What documents may be requested for an assessment contact?

The Commission may request from an approved provider information or documents relating to an assessment contact where the contact does not include a visit to the premises of the service.

For example, the Commissioner may request via email that an approved provider submit self-assessment information or a plan for continuous improvement. This may be required for the purpose of assessing the approved provider's performance in relation to the service against the Quality Standards. An approved provider must provide this information when requested.



## 6. Do consumers need to be notified of an assessment contact?

Yes, if the assessment contact is notified to the approved provider (announced) and involves a visit to the premises of a service. The Commission will give the approved provider of the service a poster to inform consumers about the visit. Approved providers must display the poster in one or more prominent locations within the service as soon as practicable after receiving it.

Approved providers may also advise consumers in advance, when the visit will take place and that they may speak with the assessment team during the visit.

When an assessment contact is an **unannounced site visit**, the assessment team will give the person in charge of the service a poster at the commencement of the visit. The person in charge must display the poster prominently within the service.

## 7. How often are unannounced assessment contacts conducted?

Unannounced assessment contacts are generally conducted once every financial year for residential services. However, additional unannounced assessment contacts may be conducted depending on the performance of the service and risk information available to the Commission. An unannounced assessment contact may not be conducted where there has been an unannounced review audit.

## 8. What is the focus of unannounced assessment contacts?

Unannounced assessment contacts are undertaken for the purpose of assessing an approved provider's performance, in relation to the service, against the Quality Standards, or to identify whether there is a need for a review audit of the service.

The focus will be on known areas of risk, which may include:

- A single Quality Standard, or a number of requirements of one or more of the Quality Standards, generally with the highest rates of non-compliance across the sector
- areas identified from previous assessments
- risk based campaigns, such as minimising use of restraint
- scope determined during a site assessment contact in response to the risk-based questions and responses at the entry meeting.

For information regarding the risk-based questions that are the current focus of unannounced assessment contacts visit the Commission website.

The focus of unannounced assessment contacts will vary in response to current and emerging risk.

The Commission may undertake unannounced assessment contacts to residential aged care services outside of business hours including weekends.





## 9. When is the scope of an assessment contact determined?

For an announced assessment contact the scope is determined by the Commissioner prior to each contact. The approved provider is advised of the scope of announced assessment contacts.

For an unannounced assessment contact the scope may be determined by:

- the Commission prior to the assessment contact, based on regulatory intelligence or non-compliance identified during a previous assessment.
- the assessment team in response to risk-based questions asked at the commencement of an assessment contact.

The assessment team may change the scope of an assessment contact or select additional requirements to assess once the assessment contact has commenced. This may be a result of feedback obtained from consumers or their representatives or from evidence that emerges that identifies requirements of the Quality Standards may be not met. The assessment team contacts the Commission prior to a change in scope to discuss the reasons for the change.

## 10. What happens when the assessment contact is in the form of a visit to the service?

For the purpose of assessing performance against the Quality Standards, the usual process for an on-site assessment contact is described in the following:

### Arrival of the assessment team

The assessment team may enter any premises and exercise search powers for the purpose of conducting the assessment contact. However, they are not authorised to enter premises unless the occupier of the premises has consented to the entry.

The assessment team will request consent from the person in charge at the service to enter the premises and will give a letter confirming the visit and their credentials.

### Interviews

The visit begins with a meeting between the assessment team and the person in charge at the service. The meeting focuses on an overview of the assessment contact process, plan for the visit, and the availability for interview of certain staff and others.

#### *Unannounced assessment contact – additional information*

The assessment team interviews the person in charge of the service and this includes questions around the key areas of risk that reflect the requirements which are the current focus of unannounced assessment contacts.

Responses to the questions do not need to be exhaustively detailed. However, where necessary, the assessment team may request additional details and documents to verify responses throughout the course of the assessment contact



The response to the questions will inform the scope of the assessment contact.

Current questions are detailed on the Commission website. The questions are subject to change based on risk.

### **Interviewing consumers**

The assessment team interviews consumers and/or their nominated representatives. They may use the consumer experience interview questions to understand the consumer's experience of the service.

Feedback from consumer interviews may guide the scope of the assessment contact and inform assessment team findings.

Consumer Experience Reports are not developed for assessment contacts at this stage.

### **Meeting with the person in charge**

The assessment team meets with the person in charge at the service at least once each day during an assessment contact to ensure they are kept informed of key issues. The assessment team will corroborate evidence if issues are identified.

### **Observing the environment and service provision**

The assessment team observes the service's internal and external environment, staff practices and, where possible, interactions between staff and consumers.

### **Exit Meeting**

The visit ends with a meeting between the assessment team and the person in charge of the service. The meeting focuses on key issues identified during the visit and the next steps in the process, including follow-up actions and relevant timelines. Key issues may identify compliance concerns, positive feedback and results of consumer interviews. The assessment team will not provide the service with their findings or recommendations.

## **11. What happens after an assessment contact?**

Assessment teams prepare an assessment contact report for all assessment contacts conducted for the purpose of assessing performance against the Quality Standards.

The approved provider will have an opportunity to respond to the report.

Within 21 days after an assessment contact, the Commission notifies the approved provider in writing of any areas in which improvements must be made to ensure compliance with the Quality Standards, including the timetable for making improvements. The notification details future assessment contact arrangements if these have been varied.

The Commissioner may identify that there is a need for a review audit of the service, if the Commissioner considers on reasonable grounds that the service is not complying with the Quality Standards.





## Need to know more?

If you have any questions contact our policy helpdesk by email on:

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