



# Consider the suitability of your key personnel

Act now – this requirement applies to all providers from 1 December 2022



## Effective governance and leadership are vital to ensure the safety and quality of aged care and positive consumer experiences.

The *Aged Care Act* has been amended to strengthen the governance arrangements of approved providers. These introduce specific changes aimed at:

- improving leadership and culture
- increasing transparency and accountability.



The new responsibilities align to the organisational requirements in Standard 8 as well as elements of Standards 6 and 7 of the Quality Standards. They apply to approved providers of residential, home and flexible care, including short term restorative care, multi-purpose services and transition care.



If you operate under a grant agreement, such as the Commonwealth Home Support Programme (CHSP) and National Aboriginal and Torres Strait Islander Flexible Aged Care Program (NATSIFACP), these new responsibilities do not apply to your service.

## The new responsibility

Key personnel play a vital role in your organisation and ensure the delivery of safe, quality care and services. Providers must apply due diligence in gathering information and your assessment of your staff's initial and ongoing suitability.

### You need to:



consider all key personnel against the suitability matters at least once every 12 months



be reasonably satisfied key personnel are still suitable to provide care



keep records of the suitability matters you considered and details explaining why you are reasonably satisfied.

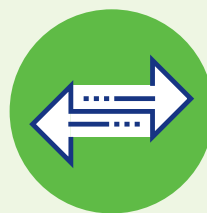
## Who

Key personnel are as defined in the *Aged Care Quality and Safety Commission Act 2018* and in summary are staff who:

- make executive decisions in your organisation
- have authority, influence or responsibility for planning, directing or controlling the activities of your organisation
- hold a recognised qualification in nursing and are responsible for your organisation's nursing services
- are responsible for the day-to-day operations of your service.

Positions held by key personnel include, but are not limited to:

- Chief Executive Officer
- governing body member
- service manager
- operations manager
- director of nursing
- clinical coordinator
- other staff in management and leadership roles.



## How

To be reasonably satisfied, you should consider all facts and information available, including its genuineness and reliability. You will need to:

- Review complaints involving key personnel
- Review SIRS information
- Review staff performance
- Check NDIS banning register
- Obtain and keep certain documentation including a police check and insolvency check
- Seek suitability matters information directly from key personnel via a statutory declaration.

You need to keep records of suitability matters considerations. These must include:

- the name of each person considered
- the date/s on which suitability was considered
- [a copy] details of the evidence and information used to consider suitability matters
- the outcome of your considerations on each suitability matter
- your reasoning for reaching these outcomes.

**If your organisation is a corporation,** your key personnel are required to disclose any change in circumstance relating to a suitability matter. Key personnel need to report this in writing within 14 days of the change. It is an offence not to disclose a change in circumstance to a suitability matter, and they can be fined for non-compliance. This offence carries a maximum of 30 penalty units for an individual staff member. You are required to:

- identify key personnel in your organisation (include brokered or subcontracted staff in your assessment)
- ensure individuals in your organisation know they are key personnel
- make sure key personnel are aware of the suitability matters and the possible result of a change in circumstance to these
- confirm key personnel understand the penalties for failure to notify you of a change in circumstance.

Once a member of your key personnel has disclosed a change of circumstance, you have 14 days to notify the Commission.

## Key information

- [Governing for Reform in Aged Care Program](#).
- Detailed guidance is now available in the [Provider responsibilities relating to governance: Guidance for approved providers November 2022](#) on the Commission's website.

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### Write

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