



Australian Government

Aged Care Quality and Safety Commission



Aged care sector reforms – current status and what's next?

15 December 2022

1800 951 822
agedcarequality.gov.au



Janet Anderson PSM Commissioner

Aged Care Quality and
Safety Commission

Welcome



Australian Government

Aged Care Quality and Safety Commission

Infection prevention and control

- | | | |
|---|--|---|
|  <p>1 Maintain and audit infection prevention and control practices</p> |  <p>2 Monitor and ensure timely schedule of booster vaccinations</p> |  <p>3 Be attentive to screening/monitoring visitors and staff</p> |
|  <p>4 Monitor residents' clinical symptoms/status</p> |  <p>5 Ensure access to your GPs for antiviral prescriptions</p> |  <p>6 Check local pharmacy has sufficient antiviral supply</p> |

What we'll cover today

Janet Anderson PSM, Commissioner	Overview – aged care sector reform
Lisa Peterson PSM, Assistant Commissioner, Sector Capability	Support for the sector, educational resources, update on Quality Standards
Anthony Speed, Executive Director, Quality Assessment and Monitoring	Regulatory assessment approach
All	Questions and answers

Submit questions by clicking on the question mark icon on your screen.



Code of Conduct for Aged Care (the Code)

- To improve the safety, health, wellbeing and quality of life for people receiving aged care & to boost trust in services.
- 8 elements of the Code, which apply to:
 - approved aged care providers of residential, home care and flexible care
 - their governing persons (e.g. CEOs and board members)
 - aged care workers.
- Providers are now required to take reasonable steps to ensure workers and governing persons comply with the Code.



Commission is overseeing compliance with the Code

- For behaviour inconsistent with the Code, our actions may include:
 - working with a provider, aged care worker, governing person, complainant (e.g. consumer) to resolve complaints
 - an investigation – usually where the conduct, the risk or outcome for consumers is more serious
 - issuing a banning order – in the most serious cases of poor conduct
 - can stop or restrict a person from engaging in or providing aged care services.
- We have a banning orders register webpage which includes information on procedural fairness:
www.agedcarequality.gov.au/aged-care-performance/banning-orders-register



Extension of Serious Incident Response Scheme (SIRS) to home services

- The SIRS now applies to home care and flexible care delivered in a home or community setting.
- This includes providers of Home Care Package, Short-Term Restorative Care at home, Commonwealth Home Support Programme, National Aboriginal and Torres Strait Islander Flexible Aged Care, Multi-Purpose Services Program and Transition Care Program services.
- The SIRS sets out arrangements for providers to manage and take reasonable action to prevent incidents with a focus on the safety, health, wellbeing and quality of life of aged care recipients.



SIRS in home services - early insights

- A small number of reports received since 1 December do not fall within the scope of the SIRS.
- Reportable incidents are those that align with one of the 8 specified reportable incident categories and which occur in connection with the provision of care and services to consumers.
- Allegations and suspicions of serious incidents should also be reported.
- Consider all concerns raised by consumers, representatives and their staff to determine if a serious incident report needs to be submitted.



Strengthening provider governance

All providers are required to:

- assess the suitability of key personnel at least once a year
- notify the Commission of changes that materially impact the provider's suitability, and any changes to key personnel, within 14 days of the change
- provide annual information on their operations to the Department of Health and Aged Care.

The notification form can be found at:
<https://www.agedcarequality.gov.au/providers/approved-provider-notifications>.



Additional reforms – 1 December 2023

December **2023** reforms (for existing approved providers) relate to:

- the composition of your governing body
- the establishment of advisory bodies (quality care and consumer)
- the skills and qualifications of staff
- ensuring that wholly-owned subsidiaries review their constitution to identify conflict of interest
- ensuring that key personnel of providers which are corporations notify the provider if their circumstances related to the ‘suitability matters’ under the legislation change.

Start preparing now.



Australian Government

Aged Care Quality and Safety Commission

Restrictive practices

- The proposed changes set out a hierarchy of persons or bodies authorised to give informed consent for a residential aged care recipient. This only applies if the care recipient cannot make an informed consent decision themselves.
- The amendment seeks to provide greater certainty in states and territories where laws do not allow another person or body to give informed consent to the use of restrictive practices on behalf of a care recipient.
- For further information – Refer to the fact sheet on [consent requirements for the use of restrictive practices in residential aged care](#)



Legislative reform update

New Aged Care Act (from July 2024)

Aged Care Amendment (Implementing Care Reform) Act 2022

- require a registered nurse on site and on duty 24 hours a day, seven days a week in residential aged care (from 1 July 2023)
- cap administrative charges and banning exit fees in home care (from January 2023), and
- improve transparency and accountability of residential aged care homes.



Lisa Peterson PSM **Assistant Commissioner** **Sector Capability**

Resources and support



Australian Government

Aged Care Quality and Safety Commission



Code of Conduct for Aged Care

Government
Aged Care Quality and Safety Commission

Code of Conduct for Aged Care

and provider readiness check

ed providers of residential, home care
raged to use this checklist to improve
mentation of the Code of Conduct for

Activity

Become familiar with the Code
Familiarise yourself and your staff with the Code. Review the range of resources available to support your understanding of the new Code and your existing responsibilities.

Support Mater

- National Aged Care
- Code of Conduct
- Code of Conduct
- Code of Conduct
- Code of Conduct

Webinar recor
• Introduction (held 8 and 12
• Code of Con

Code of Conduct for Aged Care

Case studies for workers and providers

Code case studies

The following scenarios have been designed to inform and educate providers and their staff about the 8 elements of the Code of Conduct for Aged Care (the Code). Providers and their staff can use these scenarios to explore:

- the Code elements
- that is **consistent and not**

The int
expect
that ol
with di
the rig
decisi
their v
and w



Australian Government
Aged Care Quality and Safety Commission

Code of Conduct for Aged Care

Consumer guidance



Australian Government
Aged Care Quality and Safety Commission

Code of Conduct for Aged Care

A fact sheet for aged care workers

The Code of Conduct for Aged Care (the Code) was introduced on **1 December 2022**.

What is the Code?

The Code:

- sets out how approved providers (providers) and their workers and governing persons **must behave and treat consumers** when providing aged care services
- **strengthens protections** for older Australians against unsafe, poor-quality aged care services

The Code includes **8 elements** that describe the behaviours expected of providers, their

aged ca
These
of this

Why

The Co
wellbe
consu

- prom
beh
• bui
• pro

Who is covered under the Code?

The Code applies to

- Approved providers of residential, home care
- Governing persons of approved providers (Executive Officers)
- Aged care workers of approved providers and subcontractors of the providers

Note: Flexible care includes the Transition Care Program and Short-Term Restorative Care Program.

The Code does not apply to

- Commonwealth Home Support Program
- National Aboriginal and Torres Strait Islander (NATSIFACP) providers

Note: These providers are still required to provide care and services and behave in a way that aligns with the Code.



Australian Government
Aged Care Quality and Safety Commission

Code of Conduct for Aged Care

The Code of Conduct for Aged Care describes how **you must behave and treat consumers**. It includes the 8 elements below.



A. Act with respect for people's rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions.



B. Act in a way that treats people with dignity and respect and values their diversity.



C. Act with respect for the privacy of people.



D. Provide care, supports and services in a safe and competent manner, with care and skill.



E. Act with integrity, honesty and transparency.



F. Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of care, supports and services.



G. Provide care, supports and services free from:
i. all forms of violence, discrimination, exploitation, neglect and abuse and
ii. sexual misconduct



H. Take all reasonable steps to prevent and respond to:
i. all forms of violence, discrimination, exploitation, neglect and abuse and
ii. sexual misconduct

Find out more:

Aged Care Quality and Safety Commission

agedcarequality.gov.au/providers/code-conduct-aged-care-information-workers



December 2022
ACR-CDC-013

Aged care reforms



SIRS for home services

Understanding responsibilities of providers and their Incident Response Scheme for home services

This fact sheet outlines how
providers can help their staff
(including key personnel,
contractors and volunteers)
understand and comply with the
Serious Incident Response Scheme.

What is the Serious Incident Response Scheme?

From 2022, the Serious
Incident Response Scheme (SIRS) extends
to home services.

Serious Incident Response Scheme (SIRS) - Worker readiness work tool

To ensure that your IMS works as effectively as possible, you need to make sure your workers understand how to use it.

Use this tool to identify areas where your workers may need further training to respond to and manage incidents.

If the answer is 'No' or 'N/A' to a question that relates to their responsibilities, you should

consider further
training when an incident

Please note that this is a
questionnaire only. In some
cases, 'N/A' may be appropriate.

SIRS - Worker readiness work tool

Worker Name

Worker Role

Work procedures and descriptions

1. Roles and responsibilities

Understand:

How to resolve incidents



Australian Government
Aged Care Quality and Safety Commission

Serious Incident Response Scheme

Guidelines for providers
of home services



Australian Government
Aged Care Quality and Safety Commission

Reportable incidents: unreasonable use of force

Serious Incident Response Scheme

A fact sheet for providers of home care and flexible aged care delivered in a home or community setting

The Serious Incident Response Scheme (SIRS) helps prevent and reduce the risk of incidents of abuse and neglect in aged care services subsidised by the Australian Government.

Under the SIRS, all incidents and near misses should be recorded in a provider's incident management system (IMS) to ensure a timely and appropriate response that minimises impact, supports those affected and reduces the risk of recurrence.

There are eight types of reportable incidents that must be recorded in a provider's IMS and reported to the Aged Care Quality and Safety Commission (the Commission).

This fact sheet covers reporting of incidents in a home or community setting relating to unreasonable use of force.



Australian Government
Aged Care Quality and Safety Commission

Aged care
reforms

What is the Serious Incident Response Scheme?

Information for home services
care recipients

1800 951 822
agedcarequality.gov.au



The Serious Incident Response Scheme (or SIRS) helps reduce the risk of abuse and neglect for people who receive aged care.

On 1 December 2022, the SIRS was extended from residential aged care to include home care and flexible aged care delivered in a home or community setting.

What home services providers must do

Your provider must record all incidents that occur when delivering aged care and services in their incident management system. This includes recording an incident that nearly happened or when someone suspects that something happened. This is so they can learn from the incident and improve their practices so that incidents don't occur again.

Your home services provider must notify the Aged Care Quality and Safety Commission (the Commission) of certain reportable incidents that

happen while delivering your care and services. The Commission will determine if any regulatory action should be taken.

What is a reportable incident?

A serious incident your provider must report to the Commission could be:

- **Unreasonable use of force** – like kicking, punching or rough handling
- **Unlawful sexual contact or inappropriate sexual conduct** – like stalking, making sexual advances or unwanted sexual touching
- **Psychological or emotional abuse** – like yelling, name calling or ignoring
- **Stealing or financial coercion by a staff member** – like stealing money or pressuring you to give money
- **Neglect** – like not giving you the care you need to stay well
- **Inappropriate use of restrictive practices** – like using physical force or medication to restrict your freedom or movement

are provided as a guide only. If an incident occurs, you should carefully consider all the



Provider governance



Australian Government
Aged Care Quality and Safety Commission



Australian Government
Aged Care Quality and Safety Commission

Notify the Commission of certain matters within 14 days

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 restorative care, multi-purpose services and transition care.

If you or your organisation are such as Support and Aboriginal Flexible Care, these requirements apply to you.

The new requirements

You need to make changes to your governance arrangements to meet the new requirements.

You need to notify the Commission within 14 days of the changes.

Provider responsibilities relating to governance

Guidance for approved providers



Australian Government
Aged Care Quality and Safety Commission

Aged care reforms

Strengthening provider governance

A regulatory perspective

Date: 7 November 2022

1800 951 822
agedcarequality.gov.au



All providers

What

Why

Act now

(make sure your records comply with the Accountability Principles)

New providers Day of approval

Existing providers 1 December 2023

What	Align your governing body to membership requirements	Establish a quality care advisory body	Offer to/establish a consumer advisory body	Ensure your people are skilled and build their capability	Align your constitution to the requirements
Why	The right mix of people will improve your organisation and consumer care outcomes.	The advisory body will give invaluable feedback on the quality of care and services provided and support your continuous improvement processes.	This allows you to hear directly from those at the centre of care, your consumers.	A quality team will drive quality care and services.	This ensures directors are authorised to act in consumers' best interests.
Prepare for success	<ul style="list-style-type: none">Ensure the majority of governing body members are independent and non-executive.Include one member with experience in the provision of clinical care in your governing body.You are automatically exempt from this requirement if you:<ul style="list-style-type: none">have fewer than 5 board members and provide care to less than 40 care recipientsare an Aboriginal Community Controlled Organisationhave a determination from the Commission that one or both requirements do not apply.	<ul style="list-style-type: none">Establish and ensure continuation of a quality care advisory body.Ensure the quality care advisory body provides six-monthly reports about the quality of aged care that the approved provider provides through each aged care service.Require the governing body to consider the quality care advisory body reports and feedback when making decisions in relation to aged care.Make sure the governing body advises the quality care advisory body in writing about how their feedback was used/considered.	<ul style="list-style-type: none">Offer to establish (at least once every 12 months) a consumer advisory body (or multiple bodies).Require the governing body to consider the consumer advisory body reports and feedback when making decisions in relation to aged care.Make sure the governing body advises the consumer advisory body in writing about how their feedback was used/considered.	<ul style="list-style-type: none">Ensure staff have appropriate skills, qualifications or experience to provide the care and services they are hired to.Give opportunities to develop your employees' capability to provide services.	<ul style="list-style-type: none">Make sure that your constitution requires directors to act in the best interests of consumers (only applicable if your service is a wholly owned subsidiary of another body corporate that is not an approved provider).



1 December 2023 requirements do not apply if you are:

- a state or territory government
- a state or territory authority or
- a local government authority.

Phone
1800 951 822

Web
agedcarequality.gov.au

Write
Aged Care Quality and Safety Commission,
GPO Box 9819, in your capital city

The information contained in this template is general in nature. It is your responsibility to be aware of your legislative requirements. If you are unsure about how these apply to your situation, you can call the Commission on 1800 951 822.

Aged Care Quality Standards review

- The Aged Care Quality Standards review is underway, with a report to be provided to Government by 31 December 2022.
- The Department of Health and Aged Care is leading the review, in collaboration with the Commission and the Australian Commission on Safety and Quality in Health Care (ACSQHC).
- The review aims to address issues identified by the Royal Commission. This includes greater specificity and measurability of requirements and a stronger focus on food and nutrition, diversity, governance, dementia and clinical care.



Aged Care Quality Standards review

- A draft of the strengthened version of the Quality Standards was released for public consultation from 17 October to 25 November 2022. The draft can be found here:
<https://www.health.gov.au/resources/publications/revised-aged-care-quality-standards-detailed-draft-for-public-consultation>
- Providers, workers, peaks, older people and members of the public contributed their thoughts through nearly 850 survey responses, over 900 participants in focus groups and more than 100 written submissions.
- The final content and timing for implementation of the new Quality Standards is subject to a government decision.
- The Commission is working with the Department on planning and will have more to share in early 2023.



Anthony Speed Executive Director Quality Assessment and Monitoring

Regulating aged care reform



Australian Government

Aged Care Quality and Safety Commission

Regulating aged care reform

Quality assessment and monitoring has expanded to include investigations relating to the Code of Conduct for Aged Care and SIRS in home services.

Code of Conduct for Aged Care

Commission
receives intelligence
about conduct
inconsistent with
the Code



Commission
undertakes risk
assessment



Determines need
for a regulatory
response

Investigations strictly adhere to the Australian Government investigations standards including in relation to evidence gathering, procedural fairness and storage of evidence.



Quality assessments

- remain focused on the assessment and monitoring of provider performance against the Quality Standards
- continue to conduct risk escalations where there is evidence of immediate risk to consumers
- invest in building our assessor workforce capability
- assessors maintain their registration through continuing professional development
- detecting and responding to the risk of consumer harm, and applying a proportionate response
- consumer in the centre of our assessment methodology
- potential for increased recognition by quality assessors of good practice and innovation.



Q&A



Australian Government

Aged Care Quality and Safety Commission

Further information

Commission:

Aged care reforms webpage – agedcarequality.gov.au/reforms

Resources:

Click on the blue arrow to access the webinar resources hub



Australian Government

Aged Care Quality and Safety Commission



Australian Government

Aged Care Quality and Safety Commission



Thank you for participating

Please complete the post webinar survey

1800 951 822
agedcarequality.gov.au

