



Statement of Intent

Aged Care Quality and Safety Commission

This Statement of Intent responds to the interim Statement of Expectations issued jointly by the Minister for Health and Aged Care and the Minister for Aged Care, and signed by the Minister for Aged Care, Hon Anika Wells MP on 11 October 2022.

The Aged Care Quality and Safety Commission (the Commission) operates independently and objectively in performing its regulatory functions and exercising its powers as set out in the *Aged Care Quality and Safety Commission Act 2018* (Commission Act) and the Aged Care Quality and Safety Commission Rules 2018. It does so in accordance with the broader governance and performance expectations of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the *Public Service Act 1999*.

Aged Care Reforms

The Commission remains strongly committed to supporting the delivery of significant, ongoing reforms to the aged care sector. This includes playing a central role in the extension of the Serious Incident Response Scheme to in-home care, the introduction of a new Code of Conduct, establishment of Star Ratings, and new provider governance reforms.

The Commission will continue to work closely with the Department of Health and Aged Care and other key stakeholders – consumers, providers, peak and industry bodies - to implement the Government’s priorities as set out in its aged care reform agenda.

Regulatory Activities

As the national regulator, the Commission is focused on supporting the Government’s objective of ensuring the safety, dignity and wellbeing of every older Australian accessing aged care services.

The Commission will continue to undertake the full range of its regulatory functions and activities transparently and competently. These activities include the key preventative strategies of communicating and engaging with, and educating consumers and providers respectively. We also work closely with both complainants and providers to resolve concerns about specific aspects of the care and services being delivered.

Other core activities that the Commission will continue undertaking include regular cycles of accreditation and quality audits of providers, monitoring, assessing and investigating provider performance, and taking timely and proportionate regulatory action (including compliance enforcement action) where a service or provider fails to manage risks to consumer safety, health and wellbeing and/or fails to comply with other relevant legal obligations.

In our interactions with providers including through our regulatory decisions, we will seek to promote provider accountability, transparency and continuous improvement. We will do this by holding providers to account for their efforts to support and enhance each consumer's quality of life, mitigate risks of harm (including financial harm) to consumers, and use consumer feedback, analysis and lessons learned to drive ongoing performance improvement.

The Commission adopts a 'zero tolerance' approach to adverse provider behaviour that places consumers at serious risk of harm, and will always respond promptly to such situations with proportionate compliance enforcement action aimed at keeping consumers safe.

In all that we do, we will reinforce the Government's priority to ensure that aged care governing bodies, managers and workers act in line with public expectations as articulated in the Quality Standards, the Principles of Care and the Code of Conduct. This includes providers consulting and reaching agreement with each consumer (or authorised representative) about changes to their care arrangements as appropriate.

Responding to COVID-19

Since the arrival of the COVID-19 pandemic in Australia, the Commission's attention has been squarely focused on doing as much as possible to protect consumers and ensure their wellbeing. We will continue to expect and require aged care providers to take all reasonable precautions to minimise risks to those in their care, and to be fully prepared to respond promptly, decisively and effectively if their consumers or staff are exposed to or contract the virus.

As the impact of the pandemic continues to be felt across Australia, the Commission will remain on high alert, reviewing and refining its regulatory approach as appropriate to respond in a timely manner to keep consumers safe as far as possible, and to minimise discontinuities of care and attendant risks.

Capability Review

The Commission welcomes the opportunity to actively participate in and support the Government's Capability Review of the Commission to ensure that the national aged care regulator is and remains fit for purpose. The Commission will provide reasonable resources to the Capability Review including staff, evidence, information, data and other materials upon request.

Alongside supporting the Capability Review, the Commission will continue to fulfil its statutory obligations. We recognise the importance of our role in helping to promote public confidence and trust in the sector and in delivering key improvements and reform.

Relationship with Government

The Commission is accountable to the Government and the Parliament for its performance as a national regulator.

The Commission will keep the responsible portfolio ministers informed in a timely manner about any emerging trends, issues or risks relevant to its operations and functions.

The Commission will continue to operate on a sustainable, economical and ethical basis and meet the performance and reporting accountabilities as set out in the PGPA Act and Commission Act.

Transparency and Accountability

The Government's Statement of Expectations and this Statement of Intent will be published on the Commission's website and on www.transparency.gov.au in future corporate plans.

J. M. Anderson

Janet Anderson PSM
Aged Care Quality and Safety Commissioner

2 December 2022