



Dear Approved Provider

SCHADS Award and Approved Provider responsibilities

You would be aware that on 1 July 2022, changes to the Social, Community, Home Care and Disability Services Industry Award (SCHADS Award) came into effect. These changes arose from decisions made by the Fair Work Commission.

I am writing to underscore your ongoing responsibility for meeting your Approved Provider obligations as you implement arrangements that take account of SCHADS Award changes. As an Approved Provider, you must ensure the safe and effective delivery of quality care and services in accordance with the requirements of the Aged Care Act 1997, the Quality of Care Principles 2014, and the User Rights Principles 2014.

The Aged Care Quality and Safety Commission (the Commission), as the national regulator of aged care services, is responsible for monitoring providers' performance against the Aged Care Quality Standards (the Quality Standards). Where the Commission identifies non-compliance, we will take regulatory action which, depending on the extent of non-compliance, may involve, enforcement action.

Your obligations

The Commission is aware that the changes to the SCHADS Award have implications for your staff who are home care workers. We have received information indicating that in some circumstances, providers may have varied the care and services delivered to consumers as a consequence of the SCHADS Award changes.

If you want to make changes to the services delivered to a home care consumer, you must adhere to your obligations as an Approved Provider, including gaining the informed consent of that consumer to any changes that affect them.

Further, any changes that are made to care and services delivered as part of a home care package, including altering care arrangements to accommodate the SCHADS Award changes, cannot adversely impact the quality and safe delivery of care and services to a consumer.

Commission's obligations

Complaints

When a consumer and/or their representative raises concerns with the Commission through our complaints process, the Commission will work with the complainant and you, as the provider of home services, to resolve their concerns. If, while resolving a complaint, the

Commission finds that you are not meeting your obligations, the Commission will take actions in proportion to the identified risks to consumers.

Regulatory action

Separate to or alongside the resolution of any complaints, the Commission may also engage with you through performance assessments. In these activities, the Commission will assess your compliance with the **Quality Standards**, with specific regard to:

- Standard 1, requirement (3)(e):
 - Information provided to each consumer is current, accurate and timely, and communicated in a way that is clear, easy to understand and enables them to exercise choice.
- Standard 2, requirement (3)(a) and (c):
 - Assessment and planning, including consideration of risks to the consumer's health and well-being, informs the delivery of safe and effective care and services.
 - Assessment and planning is based on ongoing partnership with the consumer.
- Standard 3, requirement (3)(a):
 - Each consumer gets safe and effective personal care and/or clinical care that is tailored to their needs and optimises their health and well-being.
- Standard 4, requirement (3)(a):
 - Each consumer gets safe and effective services and supports that meet their needs, goals and preferences.
- Standard 7, requirement (3)(a):
 - The workforce is planned to enable, and the number and mix of member of the workforce deployed enables, the delivery and management of safe and quality care and services.
- Standard 8, requirement (3)(c):
 - Effective organisation wide governance systems relating to the following: workforce governance and regulatory compliance.

If the Commission finds that you have not met the Quality Standards, we will progress further compliance or enforcement action. The specific action we take will depend on the level of assessed risk to consumers – which includes our consideration of your awareness of the non-compliance and any actions underway to implement required improvements and achieve

compliance as soon as possible. Options for actions available to the Commission include issuing a Direction, a Non-Compliance Notice or taking other escalating enforceable regulatory action/s such as issuing a Sanction or Notice to Agree. In all circumstances, the Commission's response to non-compliance will be informed by the risk posed to the safety, health, well-being and quality of life of consumers.

More information about the obligations of Approved Providers can be found at: <https://www.agedcarequality.gov.au/providers>. To learn more about the regulatory actions that the Commission can take, please visit our website: <https://www.agedcarequality.gov.au/>.

Yours sincerely

J. M. Anderson

Janet Anderson PSM
Commissioner

26 August 2022