



Senator the Hon Richard Colbeck  
Minister for Senior Australians and Aged Care Services  
Minister for Sport  
Parliament House  
Canberra ACT 2600

Dear Minister

## **Aged Care Quality and Safety Commission Statement of Intent**

Thank you for your letter of 7 March 2022 setting out the Government's Statement of Expectations for the Aged Care Quality and Safety Commission (the Commission). I welcome and support the Government's expectations of the Commission and I am pleased to provide the Commission's Statement of Intent in response.

The Government's Statement of Expectations and this Statement of Intent will be published on the Commission's website and included on the Transparency Portal with the Commission's corporate plan.

As the national regulator of Commonwealth supported aged care providers, our role has never been more important. The Commission is unwavering in our resolve to deliver best practice regulation with the goal of protecting and improving the safety, health, wellbeing and quality of life of aged care consumers. We are also committed to implementing the Government's significant, ongoing reforms to the aged care sector.

The pandemic continues to present significant risks for all Australians, and particularly for frail, vulnerable individuals in aged care. Since the arrival of the COVID-19 pandemic in Australia, the Commission's attention has been squarely focused on working with health authorities to ensure that aged care providers are taking all reasonable precautions to minimise risks to those in their care, and are fully prepared to respond promptly, decisively and effectively if their consumers or staff are exposed to 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 and free from harm, as far as possible.

### **Vision**

The Australian community is looking for assurance that older people receiving aged care are well looked after, kept safe and treated with dignity and respect. The Commission recognises its important role in helping to promote public confidence and trust in the sector and delivering the improvements and reform that the community expects.

The Commission will carry out its functions in a way that supports and promotes improved outcomes for aged care consumers. We will continue to strive towards best practice regulation by focusing on strengthening our capability, effectiveness and accountability across all our activities. The Commission is also committed to supporting the Government to implement its five-year plan, built around the five pillars of reform that aim to provide better aged care experiences for older Australians. These reforms are being given a high priority in our work program, involving not only the development and implementation of specific reforms, but also undertaking new functions and strengthening our ongoing regulatory activities.

## Role and functions

The Commission operates independently and objectively in performing its 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 Commonwealth resource management framework and the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and Rules.

In addition to contributing to the significant work being undertaken to deliver reform across the aged care sector, the Commission will continue to operate in line with the Commonwealth Regulator Performance Framework and focus on enhancing foundational business functions including:

- approving providers' entry to the aged care system,
- accrediting residential services and conducting quality audits of home services,
- ensuring compliance with aged care responsibilities by monitoring, assessing and investigating providers of aged care services against legislated standards and requirements, and holding providers to account for meeting their obligations,
- continuing to apply regulatory compliance and enforcement responses in a proportionate, risk-based, responsive and intelligence-led manner,
- dealing with complaints about aged care services
- working with consumers to understand their experiences and encouraging providers to adopt best practice approaches to engaging with consumers for the purpose of designing and delivering consumer-centred care,
- providing education and information about the Commission's functions,
- using education, information and targeted communications to support regulatory objectives, including publishing outcomes of regulatory activities to promote greater transparency and accountability, and highlighting best practice.

In all its work, the Commission will maintain its focus on achieving positive outcomes for consumers, using their experiences to inform our regulatory activities.

### *Regulator Performance*

The Commission is accountable to the Government for our performance as a regulator. Consistent with the Commonwealth Regulator Performance Framework, and informed by the principles of regulator best practice, the Commission will strive for continuous improvement to build trust, work with both consumers and providers in a transparent, responsive manner, and deliver regulation that is intelligence-led and proportionate to risk. Our performance measures, contained in the Health Portfolio Budget Statement and our corporate plan, evidence our commitment to these objectives.

### **Priorities**

Ensuring that aged care consumers are safe, receive quality care and services, and have a good experience of aged care is at the centre of everything we do.

In all its activities, the Commission will continue to focus on its primary role of holding providers to account for the quality and safety of care they deliver to older Australians and for meeting legislative standards.

The Commission will prioritise activities that strengthen the effectiveness of its core business functions and regulatory approach. The Commission will deliver regulation that is proportionate, risk-based, responsive and intelligence-led and will use education, information and targeted communications to support its regulatory objectives. The Commission will increasingly focus on the areas of greatest risk to the safety, health and well-being of aged care consumers and will utilise the full range of the Commission's regulatory powers to address non-compliance.

The above priorities will be pursued as an integral part of the Commission's work in delivering outcomes across all five pillars of the Government's five-year plan.

Acknowledging that some reforms are dependent on the passage of legislation, the Commission's activities will focus on:

- protecting the safety, wellbeing and interests of aged care consumers through our regulatory activities and decisions
- delivering on the Government's commitment to generational reform of quality and safety, workforce, and governance in aged care
- contributing to enhanced confidence and trust in the aged care system, empowering consumers to make informed choices and promoting best practice service provision
- seeking opportunities to engage directly with consumers and their representatives
- providing information and education about quality care and services that is responsive, fit-for-purpose and targeted to providers, consumers and the public.

Specifically, over the next 12 months the Commission will continue to work collaboratively with the Department of Health to develop and implement key aged care reforms by:

- strengthening quality audit, monitoring and compliance activities, particularly across in-home care services, including for the additional Home Care Packages being released in 2021-2022 (Pillar 1)
- planning for and strengthening the capability of the Commission to take on its new and expanded role as an enhanced prudential regulator of aged care (Pillar 2)
- contributing to the review and enhancement of the Aged Care Quality Standards, including the development of new clinical standards (Pillar 3)
- implementing and administering the Serious Incident Response Scheme for residential aged care and work to expand the scheme to home and community care (Pillar 3)
- minimising the use of restrictive practices in residential aged care services (Pillar 3)
- strengthening regulation through risk-based targeting and information sharing to improve oversight and earlier detection of high-risk services and providers (Pillar 3)
- supporting the National Aged Care Mandatory Quality Indicator Program expansion, and implementation of a Star Rating for residential aged care (Pillar 3)
- supporting A Matter Of Care: Australia's aged care workforce strategy (Pillar 4)
- enforcing a code of conduct for the sector and taking appropriate enforcement action against workers who engage in misconduct, and contributing to development of a system for worker screening (Pillar 4)
- active involvement in development of the new Aged Care Act (Pillar 5)
- supporting new legislative requirements and strengthening the governance capability of aged care providers (Pillar 5).

### Relationship with the portfolio

The Commission will continue to keep you, as responsible Minister, informed in a timely manner about any emerging trends, issues or risks relevant to its operations and functions. This includes providing early advice on issues or risks for which the Government would be accountable in Parliament and other significant issues related to the Commission's core business.

As part of the Health portfolio, the Commission will continue to work closely and collaboratively with the Department of Health to develop and implement Government's policy and reform initiatives relating to aged care. I will also continue to inform the Secretary of the Department of Health of relevant issues and information, including any concerns or clarification of legislative requirements, resourcing and policy. In the context of the Commission's ongoing engagement with the Department of Health on a

wide range of aged care reforms and projects, we will look to strengthen the way we collaborate and work in partnership with the Department by documenting shared governance and operational arrangements to enable both agencies to fulfil their respective roles.

The contribution of the Aged Care Quality and Safety Advisory Council to both the direction and implementation of the Commission's functions is highly valued. The Commission will continue to support regular meetings of the Advisory Council in order to optimise the benefits of its advice to me as Commissioner and to you as Minister when requested.

### **Organisational governance and financial management**

The Commission will continue to meet its governance and financial management accountabilities as set out in the PGPA Act and the Commission Act as well as policies and frameworks that sit under them.

The Commission is committed to the principles of accountability, good governance and transparency. As Commissioner, I will continue to encourage officers within the Commission to actively seek opportunities to improve the Commission's efficiency and effectiveness and I will ensure that the Commission provides value for money through prudent use of public resources. This will include fulfilling our obligations, as an agency within the Health portfolio, to the Department of Health.

The Commission will continue to highlight strategic priorities in its corporate plan over a rolling four-year period, including key activities in its annual operational plan, along with strategic risks that may affect the Commission's ability to achieve its mission. The Commission will incorporate performance measures in its corporate plan and report on outcomes against each measure in its Annual Report to Parliament to provide a transparent line of sight between the use of resources and the results achieved by the Commission.

I will ensure that all Commission employees are aware of and adhere to the general duties of officials under the PGPA Act, as well as the APS Values and Code of Conduct under the *Public Service Act 1999*.

Further, I will ensure that the Commission's ICT architecture is contemporary, cost effective and seamless for providers and users. The Commission will work in collaboration with the Department of Health to prioritise IT and data services, including the potential re-use of IT developed for social policy and other government agencies.

### **Engagement with stakeholders**

As the national regulator, the Commission supports the delivery of its functions and the broader implementation of aged care reforms by engaging with consumers and their families, aged care providers, and other stakeholders through multiple channels and settings.



We will continue to use education, information and targeted communications to support our regulatory objectives, including publishing outcomes of our regulatory activities to promote greater transparency and accountability, and drive improved performance by providers. We will also continue to promote public awareness and confidence in the provision of aged care services through the exercise of our functions, with a particular focus on engagement with consumers and their families.

Consumers' views and concerns will be captured through complaints resolution, quality assessment and monitoring, and compliance activities. Consumers, their family members, friends and carers will be encouraged and supported to provide feedback, with attention being given to ensuring inclusive approaches that recognise the diversity of these key stakeholders. This feedback will continue to be used to inform the design and focus of our regulatory activities and provider performance information.

### Transparency and accountability

The Commission is accountable to the Government and the Parliament for our performance as a national regulator. We will continue to meet our performance and reporting accountabilities as set out in the PGPA Act and Commission Act, including through our corporate plan and annual report that is provided to you as the responsible minister, and to the Minister for Finance.

The Commission remains committed to fulfilling its important purpose and making a significant contribution to the vital work of implementing the Government's aged care reform agenda. Through our regulatory activities, we will continue to promote and improve confidence and trust in an Australian aged care system that delivers the best possible quality of care and outcomes for older Australians.

Yours sincerely

*J. M. Anderson*

Janet Anderson PSM  
Commissioner

7 April 2022