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Aged Care Quality and Safety Commission

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Compliance in practice

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1800 951 822
agedcarequality.gov.au

Acknowledgement of Country



Aged Care Quality and Safety Commission Artwork by Dreamtime Creative

Artist's meaning behind the artwork: The central meeting place represents Aged Care Quality and Safety Commission (Commission) supporting quality, flexible and culturally appropriate aged care to older Aboriginal and Torres Strait Islander peoples, close to their home and communities represented by the meeting places outside. The small pathways from the concentric circle is the Commission reaching out to the communities. Everything is connected by the larger pathways representing the importance of hearing, and listening to consumers' stories to manage and deliver their care effectively. The star top right represents the Commission always looking for better ways to do things and the patterning within the segments are the different communities.



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Peter Edwards

Executive Director Compliance
Management Group

Compliance purpose

- Enforcement **supports continuous improvement**
- Motivated by our assessment of risk to consumers
- We get involved and investigate where we see significant risk



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How do we assess and approach risk?

- We evaluate the provider's **capability, capacity and willingness to actively address** non-compliance.
- The goal is to see all forms of non-compliance addressed.
- We aim to motivate providers to address the root causes of non-compliance.



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Amanda Innes-Brown

Director Compliance Compliance
Management Group

Enforcement referrals

- Reports from site audits undertaken by our Quality Assessment and Monitoring (QAM) Group
- Complaints and investigations
- Information from other agencies



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What do we consider when we start enforcement action?

- We check for immediate and severe harm or risk.
- We evaluate the risk and the regulatory pathway needed to drive change.



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Other considerations

1. Persistence of risk
2. Volume and type of complaints
3. Serious Incident Response Scheme
4. Workforce data
5. Organisation governance
6. Star Rating information
7. Financial and prudential risks



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Issuing a compliance notice

The type of notice we issue is aligned to the proportion of the risk posed. We:

- Give weight on the provider's regulatory posture
- Establish whether the non compliance is something new or ongoing
- Check if there is a pattern of cyclical non-compliance
- When we have decided to start formal regulatory action, we will phone the provider in advance.



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Scott Rumbold

Director Compliance Case
Management Compliance
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Case management

Once a notice is issued what are the next steps?

- Developing a rectification pathway with the provider
- Focus is what the provider is doing to address the causes of non-compliance.



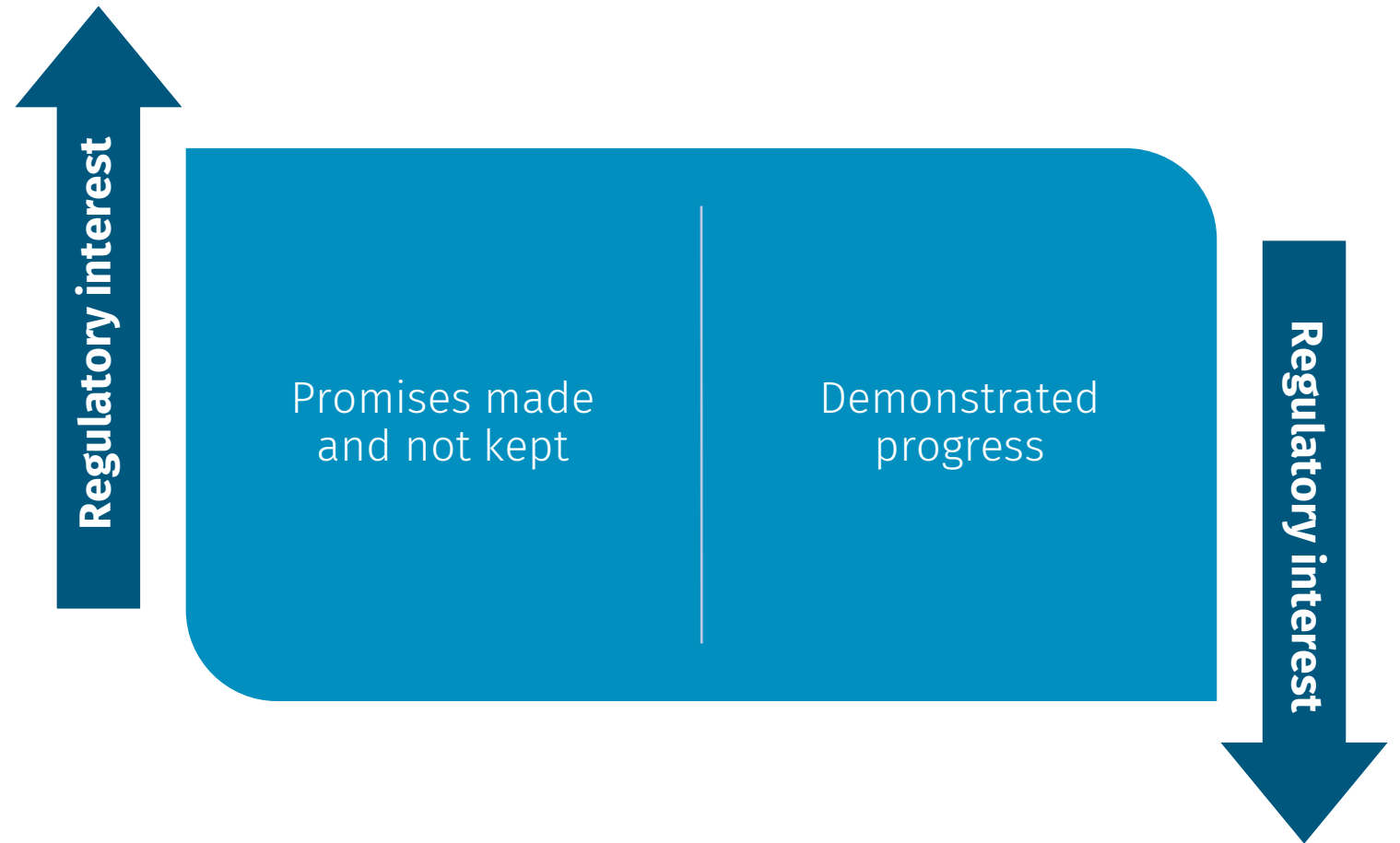
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What to expect from us

A no surprises approach - two possible pathways:



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Monitoring and evaluation

- We will look for evidence that completed actions have been effectively implemented.
- We may require compliance officers to visit the site and speak to staff and consumers.
- We may include QAM monitoring visits as part of our assessment/evidence gathering strategy.





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Director Home Care Compliance,
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Case studies: Provider 1

- Extensive failures that posed severe and immediate risk of harm to consumers
- Failure to implement adequate governance structures
- Notice to Agree issued
- We engaged with the provider and their advisor regularly
- We secured on the ground support at the provider's location
- The provider failed to address our concerns and implement adequate controls
- Approved provider status was revoked



Case studies: Provider 2

- Same situation and pathway as Provider 1
- The provider actively engaged with the Commission
- They implemented treatments and controls to manage risk
- Returned to compliance



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