



Dear Chairpersons and CEOs

I am writing to advise you of the regulatory approach that the Aged Care Quality and Safety Commission will be taking to the new workforce responsibilities being introduced for residential aged care services.

I am concerned that there is misinformation circulating about our regulatory approach which is causing unnecessary anxiety for aged care residents, their families, and providers. The Commission released a [Regulatory Bulletin](#) on 14 April 2023 - *Workforce-related responsibilities – including 24/7 registered nurse and care minutes* – which provides detailed information on this subject, and I encourage you and your organisation's executive staff to read it.

In essence, the Commission will be taking a fair and sensible approach to the regulation of the new responsibilities for every residential aged care service to have at least one registered nurse (RN) on-site and on duty 24/7 (from 1 July 2023) and to meet care minutes targets (from 1 October 2023). We understand the challenges being experienced by many providers, and especially those located outside urban population centres, in attracting and retaining a suitably qualified workforce.

All of us in the sector start from the same place - by recognising that the new responsibilities are well-aligned with providers' existing responsibilities under the Aged Care Quality Standards in the Aged Care Act. They are aimed at ensuring that every service is able to meet the clinical needs of residents around the clock, and to provide an escalated response to changed or critical care needs. These are some of the most important reforms being implemented to give consumers confidence in the quality and safety of care they are receiving.

You are no doubt aware that residential services that satisfy specific criteria may be eligible for an exemption from the 24/7 RN requirement. Information about the exemption criteria and application process being managed by the Department of Health and Aged Care can be found [here](#).

I want to assure you that workforce challenges will be one of the factors we take into account when deciding how to respond to a situation where a non-exempt provider falls short of 24/7 nursing coverage or their care minutes targets. All approved providers are expected to undertake comprehensive workforce planning to manage workforce supply, and make genuine efforts to recruit the number and mix of staff you need to meet residents' care needs and your legal obligations. Where you are struggling to maintain an adequate number of qualified and skilled staff, you must have strategies in place to ensure that the residents' care needs, and particularly their clinical care needs, are met at all times. This is entirely consistent with the existing expectations under the Quality Standards.

Where a provider demonstrates that it is actively working to comply with its responsibilities (current and new), the regulatory response will be different from the action taken by the Commission if a provider is unable to demonstrate a suitable response, or deliberately avoids compliance obligations and may be placing consumers at risk of harm.

In short, a provider that is non-compliant with a specific responsibility but can evidence its ongoing efforts to comply, is providing safe and quality care to consumers, and is effectively managing risks to

consumers, is unlikely to be subject to escalated enforcement action by the Commission in the absence of other concerns about compliance or performance.

I will be hosting a webinar for residential aged care providers on Tuesday 18 April from 1-2pm AEST that will explore this important topic in greater depth, and also present an opportunity to answer providers' questions. I invite you to attend this webinar, and registration details are available [here](#).

If you have questions or concerns about the Commission's regulatory approach to the new workforce responsibilities, please do not hesitate to raise them with the Commission by contacting agedcarereform@agedcarequality.gov.au.

I am confident that providers' best efforts to fulfil your 24/7 RN and care minutes responsibilities, together with your ongoing attention to ensuring that residents are safe, receiving quality care and having their needs met around the clock, will improve every individual's experience of aged care.

I give you my commitment that the Commission will continue working with providers in taking a fair and sensible approach to implementation of these reforms.

Yours sincerely

J. M. Anderson

Janet Anderson PSM
Commissioner

14 April 2023