

Peter Edwards, Executive Director,
Quality Compliance, Financial and
Prudential Regulation

Our approach to compliance



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Aged Care Quality and Safety Commission

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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Outline

- How the Commission engages with providers
- What proportionate regulation looks like in practice
- The dual regulatory approach of the Commission
- The identification and management of risk
- The shift towards a risk-based preventative approach to regulation.



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**Mentimeter code
8796 9772**

Question 1

**Can you guess the buzz word
I was told to use at my first
clinical governance interview?**



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Learnings

- **We all have blind spots no matter our background.** A collaborative regulatory approach is vital to ensure that emerging risks are identified and addressed.
- **Compliance can often be seen as a chore if the purpose behind the chore is not understood.** An important part of the Commission's role is to explain the purposes behind our compliance strategy and educate the sector on our functions whenever possible.
- The Commission is primarily interested in managing **risks to consumers that if left untreated or unmanaged** will negatively impact their safety, quality of life and wellbeing.
- This can only be achieved by maintaining a positive regulatory relationship with the Aged Care sector.



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Question 2

**What words come to mind
when you think about the
outcomes you want to
deliver for consumers?**



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Our common purpose

- The regulator and regulated clearly care about the same outcomes for older Australians receiving aged care.
- Our goal is to ensure that our regulatory model recognises this common purpose and supports providers to deliver the same outcomes we want.
- Aged Care obligations focus everyone on what is required to deliver good care.
- The new Aged Care Act will provide a more coherent design to realise our common purpose.
- We are fellow travellers, as your success and our success depend on each of us doing our jobs well.



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The Commission's view of risk

- Through routine audit of the Quality Standards the Commission regularly identifies non-compliance. However, not all non-compliance will be considered as high risk.
- The Commission must be highly effective in assessing the level of risk posed to consumers by any non-compliance to ensure our efforts are effective and proportionate.
- We are making changes to incentivise and encourage providers to actively self correct quickly where there are lower and moderate risks.
- Good responses to non-compliance is dependent on the Commission being able provide a range of responses.



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Two regulatory approaches

Reactive

- The Commission prioritises responses to higher level risks.
- Where there are severe and immediate risks to consumers we will impose requirements on providers.
- We encourage providers to actively work with us to take action and show mitigation of risks.
- We encourage providers to also be accountable to their consumers and community.
- A reactive approach will usually occur *after* a risk has materialised or after non-compliance has been identified.



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Two regulatory approaches

Proactive

- The Commission identifies and takes action to address an emerging risk, rather than non-compliance.
- We share insights to give providers the opportunity to proactively respond.
- We are engaging with providers more so that they can effectively manage the risks.
- These proactive actions intend to positively influence provider behaviour and incentivise continuous improvement.



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Understanding your outliers

- All systems are, by their very nature, imperfect. No regulatory system is expected to be perfect, but we can take action to mitigate the risks as much as possible.
- The importance of the outlier – being able to identify an isolated risk/incident/issue is key to understanding broader problems in the system.
- Understanding what is happening at the boundaries of these systems is essential to building safer systems.



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Questions welcome



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