



Notification Form | Guide for approved providers

s9-1 Material Change s9-2A Key Personnel Event or Change

Introduction

This guidance document is intended to assist approved providers in the correct completion of a Notification Form. It will identify each section of the notification form and explain what is expected from approved providers. This document will also advise approved providers **why** they are asked to provide certain pieces of information to the Commission.

What do I have to notify?

The [Aged Care Act 1997](#) (Aged Care Act) requires approved providers to notify the Commission when specified changes occur. These notification responsibilities are set out under Part 2.1, Division 9, sections 9-1 and 9-2A.

There are two notification requirements:

1. Obligation to notify of certain changes

Requires an approved provider to notify the Commission of a change that materially affects its suitability to be a provider of aged care.

This is known as a material change.

2. Obligation to notify of the occurrence of certain events relating to key personnel of an approved provider

Requires an approved provider to notify the Commission when any of the following occur:

- i. An individual becomes a key personnel of the provider
- ii. An individual ceases to be one of the key personnel of the provider
- iii. The provider becomes aware of a change in circumstances that relates to a suitability matter in relation to an individual who is key personnel of the provider

This is known as a key personnel event or change.

Do not use the Notification Form to change the name and address of a home care service. To do this you must notify the Secretary of the Department of Health and Aged Care (the Department), using the [approved online form](#). Information about this form is available on the Department's website.

What is a material change?

A material change is any change that impacts your organisation's suitability to deliver aged care services as an approved provider. This could be, but is not limited to, broader organisational changes, specific changes to the governance of the organisation or the methods you use to meet the care needs of care recipients.

When determining whether your organisation's change is a material change it is important to gauge whether it has an impact on any of the following:

- Governance structure – the governing body, including your board and its members; governing persons such as significant changes to key personnel/executive management; or sale/part sale of your corporation to another party.
- The way services are delivered – such as (but not limited to) entering into a sub-contracting or management agreement or outsourcing your financial management
- Financial viability – your organisation's ability to generate sufficient income to meet operating payments, debt commitments and, where applicable, to allow for growth, while maintaining service levels. This would include things such as entering voluntary administration
- Ability to meet legislative requirements – a change that will limit or prevent your organisation from being able to meet its legislated responsibilities including the Aged Care Quality Standards, Prudential Standards, or any of the responsibilities set out under Chapter 4 of the [Aged Care Act](#)
- Consumers safety and wellbeing.

What is key personnel and what do I have to notify?

Key personnel is defined in section 8B of the *Aged Care Quality and Safety Commission Act 2018* (the Commission Act):

- if the entity is not a State or Territory
 - a member of the group of persons who is responsible for the executive decisions of the entity at that time
 - any other person who has authority or responsibility for, or significant influence over, planning, directing or controlling the activities of the entity at that time;
- if, at that time, the entity conducts an aged care service:
 - any person who is responsible for the nursing services provided by the service and who holds a recognised qualification in nursing; and
 - any person who is responsible for the day-to-day operations of the service;whether or not the person is employed by the entity;
- if, at that time, the entity proposes to conduct an aged care service:
 - any person who is likely to be responsible for the nursing services to be provided by the service and who holds a recognised qualification in nursing; and

- any person who is likely to be responsible for the day-to-day operations of the service; whether or not the person is employed by the entity.

Key personnel play a critical role in supporting the organisation and the delivery of safe and quality care and services. They have influence within the organisation and they need to be fit and proper people, who are competent and have the experience, skills and qualities necessary to lead the organisation.

Before engaging the individual, an approved provider must consider the suitability matters that are set out under section 8C of the Commission Act and make a record of the decisions it has made about their suitability. This requirement is set out under section 63-1A of the [Aged Care Act](#).

The notification form asks questions to assist you to comply with your reporting obligations. It requires information such as who your key personnel is, their role and experience in the delivery of aged care and supporting evidence that demonstrates that you have undertaken certain steps as outlined in the [Accountability Principles 2014](#).

This includes personal information that allows the Commission to create a unique record about that individual and ensures that the correct record is updated when new notifications are received.

You will also be required to state that you have considered the suitability matters of s8C of the Commission Act and that you are reasonably satisfied that the individual is suitable.

What will the Commission do with key personnel information?

The personal information of key personnel is protected by law, including the *Privacy Act 1988* the Australian Privacy Principles, the Commission Act and the Aged Care Act.

For each key personnel notification, the Commission will first determine whether any information requires clarification and will undertake an assessment of the suitability of the individual. In most cases it is expected that the approved provider has engaged the right person for their intended role and the notification will not require further investigation. The collected information will be updated in the National Approved Provider System.

However, if necessary, the Commission may seek further information about the new key personnel or the reasons a key personnel has ceased in a position. This will involve a request for further information via a formal notice under section 9-2 of the Aged Care Act.

Where the notification relates to the suitability of a key personnel, the Commission may ask you to provide a copy of the records you created when considering your key personnel's suitability. It is therefore important that you keep your records up to date in accordance with section 63-1A of the Aged Care Act.

The information may also be referred to other areas within the Commission if it relates to their regulatory functions.

When do you need to notify the Commission of a change within your organisation?

For changes that occur after 1 December 2022, changes that materially affect the suitability of an approved provider to provide aged care you must notify the Commissioner within 14 days after the change or event occurs. For a change of circumstance that relates to a suitability matter in relation to

an individual who is one of the key personnel of the provider, you are required to notify the Commissioner within 14 days of becoming aware of that change occurring.

If the change occurred before 1 December 2022 the notification is required within 28 days after the change occurs.

Completing the Notification Form

The form contains several different sections, which are designed to capture all relevant information required to meet the notification requirements and to allow the Commission to record those changes within the approved provider record held within aged care systems. These sections are set out below, along with explanatory notes and legislative references.

Note: the information provided in the Notification Form will not update your service information listed on the My Aged Care Service Finder.

Section A: Personal Details of Person Completing this Form

This section collects the details of the individual completing the notification form on behalf of the approved provider. We may need to contact this person to clarify information provided in the form and they must be able to respond to any enquiries.

It is important to note that the person must be authorised to by the approved provider (its key personnel) to allow the Commission to disclose information to that person where it relates to the affairs of the approved provider.

Section B: Approved Provider Organisation's Details

This section collects the identifying details of the approved provider – name and NAPS ID (the identification number assigned to your organisation on the National Approved Provider System).

It is important that you provide accurate information so that we can update the right record.

Sections C and D: Changes that Materially Affect Suitability

The following two sections address changes that **materially affect** your suitability as an approved provider of aged care. You must tell us about a change to your suitability **within 14 days of the change or event occurring**. You only need to complete the sub-sections that apply to the change you are reporting.

Section C: Update Organisation Details

Use this section to tell us about any organisation changes that have occurred or might be planned. Some proposed organisational changes may impact your approval status or your ability to meet your approved provider responsibilities.

Approved providers are encouraged to consider the responsibilities set out under the Aged Care Act, the [Commission Act](#) and the [Accountability Principles 2014](#) to appropriately determine if and how the change materially affects its suitability.

The end of this section seeks a statement from you that describes what effect the change has on your suitability and what you are doing to ensure that you are meeting your legislated responsibilities.

More in-depth resources are located on the Commission's [Provider responsibilities relating to governance - guidance for approved providers](#).

Change to your organisation's details

- **Organisation's name:** You can change your organisation's name if you provide evidence of the name change from the Australian Securities and Investments Commission (ASIC) or similar state or territory agency documentation that confirms the change.
- **ABN:** Your ABN is the unique 11-digit number that identifies your business to others when ordering and invoicing. It is a public number that enables your business to interact with government departments.

You also need your ABN for tax purposes, and to ensure that the structure of your organisation is accurately reflected on public records. You can change your ABN with no effect on your approval status but if it changes, you must notify the Commission.

- **Changed/Updated ACN or IAN:**
 - **ACN:** Your Australia Company Number (ACN) is obtained through ASIC, while the Australian Business Register (ABR) issues ABNs.
A company's ABN will always consist of their ACN with a two-digit prefix. The key difference between a business and a company is that **a company is a separate legal entity, whereas a business is simply an individual trading under a business name.**
IMPORTANT: If you intend on changing your ACN it will affect your approval status regardless of whether the company's key personnel do not change. This is because approval decisions are made about incorporated organisations. An approval decision cannot be transferred from one corporation to another.
If you have any questions about how this may affect any business decisions you intend to make, you are strongly encouraged to seek advice from the Commission.
As these changes can impact your status as an approved provider, you **must** notify the Commission when changes of this kind occur.
 - An incorporated association is also a legal entity separate from its members. The incorporated association structure can be more effective for small community organisations. They are generally simpler and more affordable than a company structure. If you register as an Incorporated Association, your organisation will be issued an Incorporated Association Number (IAN). Any changes to this number indicate a change to something vital in your organisation's structure, such as location or activities undertaken, and you must notify the Commission.

Change to incorporated structure

You must provide further information if any of the following has occurred:

- Transfer or sale of a majority or controlling interest in the approved provider incorporated entity
- Sale of the whole approved provider incorporated entity to new owners – either with or without previous aged care experience
- Under voluntary or involuntary external administration
- In addition, you must advise the Commission of the date the changes took effect, and the reason for the changes. You should also state which approved provider responsibilities, if any, may be impacted by the changes to your organisation, as well as any potential impact on your suitability.

Change to the governance of your organisation

A change to your organisation's governance structures may affect your ongoing responsibilities and suitability.

You need to consider whether a change to the Executive Management structure, the Board (including the introduction of new board arrangements or size of the board) or Clinical Governance structure is material to your suitability.

If you were approved after 1 December 2022, you may need to also consider the new requirements for governing bodies and/or quality care advisory bodies. More information on these arrangements is available on the Commission's website by searching for [Provider responsibilities relating to governance - guidance for approved providers](#).

Change affecting your organisations' financial status

In this subsection, ensure you include information that provides a sufficient overview of the matters that resulted in the change as they relate to your financial governance.

This could include, but is not limited to, your ability to manage refunds of Residential Accommodation Deposits, or ability to pay your support staff or contract staff to ensure the delivery of care and services.

It may also be a financial set back that required decisions about how you operate and the future viability of the organisation, such as an intention to cease delivering services in the foreseeable future.

You should also consider whether the change is likely to have a significant effect on the safety and quality of care provided to consumers.

Involvement of a Third Party

If you decide to engage the services of another organisation for the purpose of delivering care and services to consumers on your behalf, you must tell us about those arrangements. This includes under a sub-contract or through a management company.

The Commission seeks to understand the reasons behind your decision and how you will provide adequate oversight of the care third parties will be delivering on your behalf.

The approved provider remains responsible for the care that the third party is delivering to consumers, including the way in which those services are delivered. This responsibility cannot be transferred to the third party.

You will be required to tell us information about the third-party organisation in Section D of the Notification Form so that it can be recorded within your approved provider record.

Other Change

If another type of change occurs, that is not identified above but is likely to have a material effect on your suitability, you are required to include this in your notification.

How the change/s affect suitability

You are requested to tell us how the changes you have identified in the Notification Form affect your suitability to provide the care that you are approved to provide.

The Commission would like to understand what actions you are taking to ensure that the change does not affect your ability to meet your approved provider responsibilities.

Section D: Third Party Details

Refer to *Involvement of a Third Party* on the previous page.

The Commission understands that there will be a variety of other organisations engaged to provide residential and home care services and they will be different depending on your operating model and the care type.

Generally, in a residential care setting, this is a management company arrangement where the approved provider engages another organisation to operate its service/s.

In a home care setting, this applies to third party arrangements where clinical care and personal care are outsourced. For non-clinical services i.e. cleaning, gardening, home maintenance etc – a list of third-party legal entities is sufficient.

Essentially, a third party is anyone you engage indirectly to provide the services that an approved provider is responsible for.

You must also consider whether any individuals meet the definition of key personnel (see above) and advise the Commission of people in Section E of the notification form.

Section E: Update Key Personnel Changes

Adding Key Personnel

The first part of this form seeks information about your new key personnel. All fields must be completed.

All requested supporting documentation must match the information entered in the form.

- A Nationally Coordinated Criminal History Check or NDIS worker screening clearance should be current at the time the Notification Form is submitted. Responsibilities for approved providers in relation to police certificates and NDIS worker screening clearances are provided for under Part 6 of the [Accountability Principles 2014](#).
- An insolvency check should be undertaken as soon as the key personnel is employed

You are also asked to advise whether the key personnel is or has been disqualified from managing corporations in accordance with Part 2D.6 of the *Corporations Act 2001*. The Commission will verify this with ASIC.

AHPRA Registrations

It is expected that a person responsible for nursing services is appropriately qualified for the role they are performing. This includes ensuring that they are working within their scope and recency of practice. Medical and health practitioners should hold a current AHPRA registration that allows them to practice.

Membership of Governing Body

As certain approved providers will have responsibilities in relation to its governing body, we are asking you to confirm whether the key personnel you are adding to your organisation is a member of that body or your quality care advisory body.

If you are not sure whether these responsibilities apply to you, refer to s63-1D of the Aged Care Act or the guidance document held on the Commission's website, the [Provider responsibilities relating to governance - guidance for approved providers](#).

Qualifications

As noted above, it is important to understand the qualifications of your key personnel as they relate to the role they are undertaking for your organisation.

You are responsible for complying with the Quality Standards in relation to staff expertise and competence and you must require your governing body to ensure that staff members:

- have the appropriate qualifications, skills or experience to provide the care or other services you provide to consumers, and
- are given opportunities to develop their capability to provide those care or other services.

This responsibility extends to any person who is employed, hired, retained or contracted by you (whether directly or through an employment or recruiting agency) to provide care or other services.

Please identify the qualifications relevant to their role. For example, if your key personnel has a Diploma in Civil Construction but is undertaking a HR role, then it may not be relevant. You need to consider what aspect of that qualification is relevant and whether it should be provided.

Cessation of key personnel

You are required to tell us when your key personnel cease to be key personnel, whether they leave your organisation, or move to another role that is not a key personnel role.

If a key personnel moves to a new/different key personnel role, this section of the notification form can be used to let the Commission know. This will ensure that if we need to contact your key personnel, we are contacting the right person.

For example, if your Finance Manager has moved to a General Manager or CEO role, we will update their role within the approved provider record to ensure that any communications are appropriately directed.

You can use the field 'Reason for cessation of key personnel' to advise us of the date a key personnel moved into a new/different key personnel role and the title of the new role.

NOTE: the 'Date of Cessation' is the date that the key personnel either ceased to be employed or moved to another role

Key personnel events relating to suitability matters

Use this section to tell us when a change has occurred that is related to the key personnel's suitability.

There are certain requirements set out under the 9-2A(2) of Aged Care Act that must be met comply with this responsibility:

- details of the change of circumstances that relates to a suitability matter in relation to the individual; and
- whether the approved provider has considered the suitability matters in relation to the individual; and
- whether, after considering those matters, the approved provider is reasonably satisfied that the individual continues to be suitable to be involved in the provision of aged care; and
- what, if any, action the provider has taken, or proposes to take, in relation to the individual.

Section F: Update Organisational Contact Information


This section is included in the Notification Form to offer approved providers an opportunity to more efficiently update its contact information within the National Approved Provider system. It does not form part of your notification responsibilities but is intended to support accurate record keeping purposes only.

You can tell us specifically which of your service staff you would like either the Commission or the Department to contact in certain events or for certain purposes. This includes:

- whether a person is the primary (main) person we should contact, or the secondary person if the primary contact is not available; and
- the 'contact purpose' of that person. Some general categories are included to assist you when completing this section.

You can also use this section to give the Commission a general contact. We will use this for all communications if this is your preferred contact. For example, it can be used to capture a group email address, for example 'administration@approvedprovider.com.au' or a general contact number, for example a 1800 or 13 number. If you choose this option:

1. select the check box 'Principal approved provider contact (for general approved provider matters)'
2. enter the relevant email address in the 'Email' field
3. enter the relevant contact number in the 'Weekday Contact No' field and 'Weekend Contact No' field.



It is important that you keep your contact details up to date to ensure the Commission can contact you to provide important information about aged care.

IMPORTANT: information you provide here will not be used to update MyAgedCare or vice versa. These systems must be updated separately. To update your MyAgedCare information, go to myagedcare.gov.au