# Strengthening approved aged care provider governance consultation

Opens: 21 December 2021

Closes: 18 January 2022

Contact: [providergovernance@health.gov.au](mailto:providergovernance@health.gov.au)

Overview

The Australian Government is seeking your views about new requirements to strengthen the governance of approved aged care providers.

[Legislation being considered by Parliament](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6778) will need approved providers to meet new requirements.

We are seeking your views about how the following requirements should be implemented:

* the quality care advisory body that will report to the approved provider’s governing body
* the content of an approved provider’s annual statement about their operations
* the records approved providers should keep on the proposed legislative provisions.

An information and consultation paper also outlines the proposed changes and consultation questions.

## Why your views matter

We want to understand how these reforms will impact those affected, including senior Australians, their carers and families, and aged care providers.

Feedback from this consultation will inform our decisions about how to implement the above changes.

You are invited to complete the online questionnaire. Alternatively, you can use the online questionnaire form to upload a written submission to [providergovernance@health.gov.au](mailto:providergovernance@health.gov.au). With your consent, your responses may be made publicly available.

**Timing**

We need your input by **18 January 2022**. This will ensure that we can include your views in the changes that will be made in early 2022.

Thank you for taking the time to participate.

## **IMPORTANT INFORMATION**

**Privacy and your personal information**

The Australian Government Department of Health (the Department) invites you to share your views on the Strengthening Provider Governance Consultation Paper. Your personal information is protected by law, including the *Privacy Act 1988* (Privacy Act) and the Australian Privacy Principles, and is being collected by the Department, via Qualtrics, for the purposes of conducting a consultation process in relation to strengthening provider governance. The Department will collect your personal information at the time that you provide a submission, unless you choose to make a submission anonymously, and you are not reasonably identifiable from the information provided in your submission.

Your submission will be shared with a contractor that is supporting the Department to conduct the consultation.

If you consent, the Department may, at its discretion, publish part or all of your submission on the Department's website. If your submission is published, the Department may identify you and/or your organisation as the author of the submission, if you consent to being identified.  Please note that your email address will not be published and responses may be moderated to remove content that is inappropriate/offensive.

Submissions which have been published on the Department's website can be accessed by the general public, including people overseas. Ordinarily, where the Department discloses personal information to an overseas recipient, Australian Privacy Principle (APP) 8.1 requires the Department to take reasonable steps to ensure that the overseas recipients do not breach the APPs. However, if you consent to the publication of your submission, APP 8.1 will not apply to this disclosure and the Department will not be accountable under the Privacy Act for any subsequent use or disclosure of the submission by an overseas recipient, and you will not be able to seek redress under the Privacy Act.

You should not include information in your submission about another individual who is identified, or reasonably identifiable. If you need to include information about another individual in your submission, you will need to inform that individual of the contents of this notice, and obtain their consent to the Department collecting their personal information.

You can get more information about the way in which the Department will manage your personal information, including our privacy policy, at [Privacy policy | Australian Government Department of Health](https://www.health.gov.au/resources/publications/privacy-policy). You can obtain a copy of the Department’s privacy policy by contacting the Department using the contact details set out below. The Department’s privacy policy contains information about:

* how you may access the personal information the Department holds about you and how you and how you can seek correction of it; and
* how you may complain about a breach of
  + the APPs; or
  + a registered APP code that binds the department; and
* how the department will deal with such a complaint.

You can contact the Department by telephone on (02) 6289 1555 or free call 1800 020 103 or by using the online enquiries form at [www.health.gov.au](http://www.health.gov.au/).

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Declaration

 I consent to the Department collecting the information requested about me, including any sensitive information, for the purposes indicated above. (Required)

**Consultation questions**

**The governing body’s quality care advisory body**

**Membership of the quality care advisory body**

Parliament is considering legislative reforms that will mean approved providers have to create and maintain a quality care advisory body. This body is to help keep the governing body informed about the quality of care delivered by the provider’s service/s.

The reforms will mean the quality care advisory body has to give the provider’s governing body a written report on the quality of the aged care provided for each aged care service at least once every six months. The quality care advisory body can also give feedback to the provider’s governing body about the quality of care of a service.

Under the reforms, the governing body will have to consider the report and any other feedback from the quality care advisory body when making decisions about the quality of care and tell the quality care advisory body in writing of how the feedback was considered.

Please indicate your level of agreement with the following statements about who should be members of the quality care advisory body.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1. **The quality care advisory body should include:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. a board member of the organisation | O | O | O | O | O | O |
| 1. a person involved in the delivery of the provider’s services (for example, person responsible for the delivery of care and services, registered nurse or a personal care worker) | O | O | O | O | O | O |
| 1. a person involved in the delivery of the provider’s clinical care services (for example, person responsible for the nursing services or a registered nurse). | O | O | O | O | O | O |
| 1. a person who receives care and services from the provider or their representative | O | O | O | O | O | O |
| 1. other (please specify) |  | | | | | |

**If strongly disagree/disagree is ticked: Please tell us why you disagreed above** (free text answer)

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| 1. **Please indicate your level of agreement with the following statements:** | Strongly Disagree | Disagree | Neither agree nor disagree | Agree | Strongly Agree | Not sure |
| 1. The quality care advisory body should be chaired by a member of the provider’s governing body that does not hold another position in the organisation. | O | O | O | O | O | O |
| 1. The quality care advisory body should include both a person who receives care and services from the provider and a representative (for example, carer, family or friend). | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked: Please tell us why you disagreed above** (free text answer)

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**Quality care advisory body’s report to the governing body**

Parliament is considering legislative reforms that will mean that at least once every six months, the quality care advisory body has to give the provider’s governing body a written report on the quality of care provided for each service. The written report must comply with the requirements in the Rules. Under the reforms, the governing body will have to consider the report and any other feedback from the quality care advisory body when making decisions about the quality of care and tell the quality care advisory body in writing of how the feedback was considered.

Please indicate your level of agreement with the following statements about what the quality care advisory body report should include.

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **The quality care advisory body report should include an assessment of the quality of care provided by the service, taking into account:** | Strongly Disagree | Disagree | Neither agree nor disagree | Agree | Strongly Agree | Not sure |
| 1. trends in quality of care (including quality indicators, incidents, consumer surveys, staff and consumer feedback and complaints) | O | O | O | O | O | O |
| 1. progress made on the Plan for Continuous Improvement | O | O | O | O | O | O |
| 1. concerns about the quality of care | O | O | O | O | O | O |
| 1. action being taken against the service by the Aged Care Quality and Safety Commission or any other agencies | O | O | O | O | O | O |
| 1. action being taken to address any concerns | O | O | O | O | O | O |
| 1. matters/issues referred to the quality care advisory body by the governing body | O | O | O | O | O | O |
| 1. signature of each person on the quality care advisory body to show they agree with the report | O | O | O | O | O | O |
| 1. Please specify any other areas that should be included |  | | | | | |

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**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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| 1. **Please indicate your level of agreement with the following statement:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. Providers should be required to give the members of the quality care advisory body the information needed to write the report to the governing body. | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked: Please tell us why you disagreed above** (free text answer)

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**Quality care advisory body records**

Please indicate your level of agreement with the following statements about the records the provider should keep about its quality care advisory body.

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **Aged care providers should be required to keep a record of:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. the members of the quality care advisory body | O | O | O | O | O | O |
| 1. evidence the quality care advisory body meets the membership requirements | O | O | O | O | O | O |
| 1. written reports and feedback from the quality care advisory body to the governing body | O | O | O | O | O | O |
| 1. written advice from the governing body to the quality care advisory body | O | O | O | O | O | O |
| 1. meeting dates and minutes | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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## **Requirements for the provider’s annual statement**

Parliament is considering legislative reforms that will mean approved providers need to give an annual statement that will be made available on My Aged Care. This is intended to increase transparency and help care recipients and their families to better understand the provider’s operations. An information technology solution is being considered to reduce duplication of reporting for providers.

It is suggested that the Rules will specify that where requested by the provider, the Department may decide that the provider’s reporting period for the annual statement align with the provider’s financial year. This mirrors the arrangements that currently exist for a provider’s Aged Care Financial Report.

Please indicate your level of agreement with the following statements about the information that should be included in the annual statement.

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **The annual statement should include information about:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. the approved provider’s key personnel names and role | O | O | O | O | O | O |
| 1. statement by the governing body that the provider meets the Aged Care Quality Standards | O | O | O | O | O | O |
| 1. any exemption from the new governing body membership requirements (that is, the majority of members are independent non-executive members, and that at least one member has clinical experience) | O | O | O | O | O | O |
| 1. if the provider has a consumer advisory body | O | O | O | O | O | O |
| 1. time staff spent on delivering direct care | O | O | O | O | O | O |
| 1. information about the number of consumers using/leaving the provider’s service | O | O | O | O | O | O |
| 1. the provider’s financial position | O | O | O | O | O | O |
| 1. the quality of food | O | O | O | O | O | O |
| 1. how diversity and inclusion are addressed | O | O | O | O | O | O |
| 1. complaints | O | O | O | O | O | O |
| 1. Please specify any other areas that should be included |  | | | | | |

**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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## **Records to be kept by approved providers**

As a result of proposed legislative changes, providers may be required to keep extra records to show how they comply with their new governance responsibilities. We want your views about the records that providers should keep.

**Governing body membership records**

Parliament is considering legislative reforms to introduce new responsibilities for the membership of governing bodies that will mean certain approved providers must have:

* a majority of independent non-executive members on their governing body (for example, members that do not hold another position in the provider’s organisation); and
* at least one member of the governing body who has clinical experience.

These responsibilities will not apply to approved providers, if:

* the governing body has fewer than five members; and
* the approved provider provides care to fewer than 40 care recipients across their services.

Please indicate your level of agreement with the following statements about the records the provider should be required to keep about its governing body.

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **Aged care providers should be required to keep a record of the:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. independent non-executive members of its governing body | O | O | O | O | O | O |
| 1. details of clinical experience held by the governing body members | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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**Consumer advisory body records**

Parliament is considering legislative reforms that will mean that, at least once every 12 months, approved providers have to offer, in writing, care recipients and their representatives the opportunity to create a consumer advisory body, if one is not currently established and operating. Its purpose is to give the provider’s governing body feedback about the quality of care delivered at a provider’s service/s.

If the consumer advisory body is created, the governing body must consider its feedback when making decisions relating to the quality of care and advise the consumer advisory body in writing of how it considered its feedback.

Please indicate your level of agreement with the following statements about the records the provider should keep about its consumer advisory body.

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **Aged care providers should be required to keep a record of:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. dates and evidence of its written offer (to care recipients and their representatives) to create a body | O | O | O | O | O | O |
| 1. feedback from the consumer advisory body to the governing body | O | O | O | O | O | O |
| 1. written advice from the governing body to the consumer advisory body | O | O | O | O | O | O |
| 1. meeting dates and minutes | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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**Governing body’s responsibility for staff**

Parliament is considering legislative reforms that will mean the governing body has to ensure the approved provider’s staff members:

* have appropriate qualifications, skills or experience to provide the care or other services to care recipients through an aged care service
* have opportunities to develop their capability to provide that care or those other services.

Please indicate your level of agreement with the following statements about the records the provider should keep about its governing body’s responsibility for staff.

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| 1. **Aged care providers should be required to keep a record of how the governing body has ensured:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. staff have appropriate qualifications, skills or experience | O | O | O | O | O | O |
| 1. staff have opportunities to develop their capability | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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**Key personnel** **suitability records**

Parliament is considering legislative reforms that will mean, at least once every 12 months, approved providers must consider the suitability of their key personnel and be satisfied that their key personnel are suitable to be involved in providing aged care. Providers must keep a record of this.

Current aged care legislation defines key personnel of an approved provider as including:

* people responsible for the nursing services who hold a recognised qualification in nursing, and
* any person who is responsible for the day to day operations of an aged care service.

For providers who are not a State or Territory it also includes:

* a member of the group responsible for executive decisions
* a person who has authority/responsibility for, or significant influence over, the planning, direction or control of the provider’s activities.

Please indicate your level of agreement with the following statements about the records the provider should keep about the suitability of their key personnel.

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| --- | --- | --- | --- | --- | --- | --- |
| 1. **Aged care providers should be required to keep a record of:** | Strongly Disagree | Disagree | Neither Agree nor Disagree | Agree | Strongly Agree | Not Sure |
| 1. the suitability of each member of their key personnel | O | O | O | O | O | O |
| 1. all the evidence used to decide suitability (for example, qualifications, police checks) | O | O | O | O | O | O |
| 1. date the provider considered the suitability of the key personnel | O | O | O | O | O | O |

**If strongly disagree/disagree is ticked Please tell us why you disagreed above** (free text answer)

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## **Implementation and additional comments**

1. **What information, guidance or support will providers and consumers need to deliver these changes?**

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1. **Please provide any other comments or suggestions**

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## **Tell us about you**

**Top of Form**

1. **What is your name?** (Optional)

Name



1. **What is your email address?** (Optional)

If you enter your email address, then you will automatically receive an acknowledgement email when you submit your response.

Email



1. **Are you providing comments on behalf of an organisation?**

(Required) Yes No

**If Yes at Q15. Please provide the name of the organisation you are providing comments on behalf of** (Optional)



1. **Which of the following best describes your role?**

(Required)

 Aged care consumer

 Aged care consumer’s family member, carer and/or representative

 Aged care staff (including care workers and health professionals)

 Aged care provider/governing body/administrator

 Aged care peak organisation

 Other – please describe

Other



1. **In which state or territory do you currently live?**

(Optional) NSW VIC QLD WA SA TAS ACT NT Other

1. **Which of the following best describes your residential location?**

(Optional) Metropolitan Regional Rural / Remote

1. **Do you consent for your submission to be published in whole or in part?**

(Required)  Yes  No

1. **Do you consent for your name or your organisation’s name to be published?**

(Required)

*You may select more than one.*

 Yes – my name may be published  Yes – organisation’s name may be published  No

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## **Bottom of Form**

Thank you for your submission.

Your input will help us work towards a better aged care system for senior Australians.

We appreciate your support and your time today.

You can get involved with other engagement opportunities via [agedcareengagement.health.gov.au](http://agedcareengagement.health.gov.au/) and find more information about the aged care reforms at [health.gov.au/aged-care-reforms](http://www.health.gov.au/aged-care-reforms).