A new model for regulating Aged Care

Consultation Paper No.1 Summary

Introduction

This paper provides a summary of the key issues contained in *Consultation Paper No.1 – A new model for regulating Aged Care*. The release of Consultation Paper No.1 starts public consultation, by providing a high-level, end-to-end outline of a new regulatory model for aged care. This paper is the first in a series of consultation papers that will develop the model in more detail.

Why is a new regulatory model being designed?

The Royal Commission into Aged Care Quality and Safety final report challenges us to create better aged care services and a better standard of care for older Australians.

We are making many changes to put security, dignity, quality and humanity back into aged care, and making changes to strengthen and enhance the protection and rights of older Australians. These changes will be supported by a new Aged Care Act and a more modern way of regulating aged care.

The new regulatory model will place the care and support of older Australians at its centre. It will focus on strengthening protections against harm from risks associated with the delivery of services and create a culture for providers to continuously improve the quality and safety of services they provide, so that they are striving for excellence.

The model will create greater access to services and will protect older Australians by improving how risks to their safety and wellbeing are managed by:

- introducing a new way for all providers to enter the market (and their workers); which could include:

  – a new registration process that is based on the level of risk associated with the services they will provide.

  – allowing individuals and sole traders to provide appropriate services, which goes beyond the current approach of allowing only corporations and state/territory governments to be approved providers;

- improving ways that older Australians, government, regulators, providers, and workers can work together to detect and prevent risks of harm while services are being delivered, and correct any issues arising from risks that emerge; and

- providing older Australians, their families and carers, and providers and workers with better information about the aged care system, enabling older Australians to make informed choices about their care and empowering them to raise any issues.

How is the model being designed?

The Department will collaborate with stakeholders to design the model, including older Australians, their families, carers and support networks. Aged care providers, workers and technical experts will also be consulted.

The Department published a Concept Paper in February 2022, which outlined concepts for designing a new framework for regulating aged care.

You can read the Concept Paper here: **Concepts for a new framework for regulating aged care** or the Plain English version here: **Concepts for a new framework for regulating aged care – Plain English**.

What is the Department proposing as the new model for regulating aged care?

The new regulatory model should allow older Australians, their families and carers to:

- be well-informed about their rights and protections;
- have more choice and control over the care they receive and be included in decisions about their care;
- have confidence in the quality and safety of care and services;
- be empowered to raise issues and share their experiences and be confident these will be heard and addressed; and
- be protected by a system that prioritises their safety, rights, dignity and changing needs.

A visual depiction of the proposed model is shown on the next page.

A new model for regulating aged care

Strengthen and enhance the protections, rights and the delivery of services provided to older Australians

The aim of the new regulatory model

We will achieve this aim through delivering against four objectives

Strengthen and develop capability	Safeguard older Australians	Preventive and corrective actions	Effective, efficient and contemporary regulation

The objectives describe the results the model will deliver in aged care to improve quality and safety

Regulatory tools that promote the quality and safety of aged care services

Registration	Provider responsibilities	Market oversight	Engagement and capability building
Registration and re-registration	Provider reporting	Monitoring	Information sharing
Worker registration	Incident management	Compliance	Information for consumers
	Standards	Enforcement	Education and engagement
	Code of conduct	Complaints	

Safeguards and tools include the actions the Regulator will take to make sure providers deliver high quality and safe care and services

The regulatory model is underpinned by four foundations

Rights-based	Person-centred	Risk-based	Continuous improvement
ensuring protections are in place to uphold the rights of older Australians	the needs, goals, values and preferences of older Australians is at the heart of the regulatory model	strengthening the regulatory response through an aged care regulatory model based on risk	an ongoing commitment to enhancing the capability and quality of the aged care sector

The foundations support a fit-for-purpose and contemporary approach to aged care regulation

How will the new regulatory model help protect quality and safety of aged care for older Australians?

The model will include safeguards and tools that will allow the Regulator to protect older Australians receiving aged care. A summary of these tools and how they will improve the quality and safety of care is provided in the following table.

Regulatory tool	How this will benefit older Australians
**Safeguard 1	Registration**	
Registration	Registration would cover the process and requirements for aged care providers to enter the market. Once registered, providers will have conditions placed on them that they must continue to adhere to in order to remain registered by the Regulator. This will include demonstrating their suitability as an aged care provider by meeting their responsibilities.
Worker screening	Worker screening establishes the suitability checks and requirements that aged care workers must go through. This includes an assessment of whether a person who provides, or seeks to provide, care and services to older Australians poses any risk to them.
**Safeguard 2	Provider responsibilities**	
Provider reporting	Provider reporting includes the supply of information and reports by an aged care provider to the Regulator. Provider reporting helps to identify and respond to risks proactively, and ensure providers are meeting their responsibilities.
Incident management	Incident management establishes the responsibilities of aged care providers and workers to prevent, address and reduce incidents of abuse and neglect, and where required inform the Regulator about serious and reportable incidents that have occurred.
Standards	Standards focus on outcomes for consumers and reflect community expectations regarding the quality and safety of aged care services and the care experience. They give older Australian's confidence that providers are held accountable to deliver high quality and safe care.
Code of conduct	A Code of conduct sets the expectations and proper practices aged care providers, governing persons and workers must adhere to. It protects older Australians and helps to ensure the delivery of high quality and safe care.

Regulatory tool	How this will benefit older Australians
**Safeguard 3	Market oversight**	
Monitoring	Monitoring involves the oversight of the safety and quality of the aged care market to identify and proactively respond to risks that might adversely impact older Australians.
Compliance	Compliance is the process of ensuring aged care providers and workers meet their responsibilities as part of the delivery of care and services. If an aged care provider fails to meet its responsibilities, the Regulator will take compliance actions to prompt a provider to comply with their responsibilities and deter future misconduct.
Enforcement	Enforcement includes applying regulatory powers or actions in response to breaches or non-compliance with the aged care legislation. The Regulator may also apply enforcement actions to mitigate risks.
Complaints	A complaint is an expression of dissatisfaction with any aspect of a provider's responsibilities that requires the Regulator to facilitate a resolution. Better use of complaint information helps to detect risks early in the aged care sector and prevent systemic issues.
**Safeguard 4	Engagement and capability building**	
Information sharing	Information sharing involves distributing and receiving information and data collection across between stakeholders, with a focus on managing risks and building sector capability.
Information for consumers	Information for consumers includes all the information older Australians need to feel confident in decisions about their care and know what to expect.
Education and engagement	Education includes issuing information and materials: • for providers, about regulatory responsibilities and how to comply with them; and • for older Australians, about their rights when using care and services. For example, education can be published via websites and guidance materials. Engagement involves collaborating and consulting with the stakeholders to identify concerns and continually improve the aged care sector.

How do I get involved?

To review the consultation paper outlining the proposed model, and for further information on the new model, visit the designing a new approach to regulating aged care website. Feedback and views are welcome on the proposed model via written submission.

Details of the proposed regulatory model and how it will be put into operation will be shared in future consultations.

There will be opportunities for you to share your views and expertise throughout the design process, including through providing written submissions in response to consultation papers, and participating in webinars and workshops.

To register and subscribe for aged care reform engagement activities, visit the Ageing Aged Care Engagement Hub.

Visit **agedcareengagement.health.gov.au**

Phone **1800 200 422**
(My Aged Care's freecall phone line)

For translating and interpreting services, call 131 450 and ask for My Aged Care on 1800 200 422.
To use the National Relay Service, visit nrschat.nrscall.gov.au/nrs or call 1800 555 660.