

FAQ on Aged Care Approved Provider Information Request

LAST UPDATED 10 January 2019

As part of the commencement phase of the Royal Commission, the Commissioners are keen to engage with aged care approved providers as early as possible to gather information which may inform the Commission's direction and assist its deliberations.

The approved providers under the *Aged Care Act 1997* (Cth) (Aged Care Act) have been invited by the Commissioners to make an early written submission to the Commission in relation to each aged care service or outlet they operate. As part of this submission, the Commissioners have requested that the providers complete a detailed survey.

The Royal Commission has prepared this document to assist providers in responding to the Commissioners' request for information.

The purpose of the request is to seek information on a number of specific matters and to give providers an opportunity to identify what areas they think need to be changed and how those areas might be changed.

Where providers operate more than one service or outlet, providers should respond separately in relation to each service or outlet.

General guidance for responses

Responding to the information request will necessarily require providers to exercise judgment about the best way to present and filter information to assist the Royal Commission. This may include making judgments about the seriousness of issues or complaints, dealing with low level or high volume vexatious complaints and avoiding unnecessary repetition. Providers are best placed to make those judgments, informed by the FAQ and with a view to a proportionate approach, noting the Commission is seeking a total response per outlet or service of no more than 50 pages.

Providers are encouraged to provide a brief explanation of the approach they have taken where this would assist the Royal Commission to understand the information provided.



Information about scope of request

What is meant by service and outlet?

For the purposes of this survey, a service means a residential care facility and outlet means a service outlet from which home care services are delivered or coordinated.

I have assumed ownership of a service/outlet within the last 5 year period. Do I need to provide information for the period of time when the service or outlet was under previous ownership?

The Commission is expecting a comprehensive response to the questions asked. If you are able to provide information covering the entire 5 year period that should be done.

Do I need to include information for the period after 30 June 2018?

At this stage, you do not need to provide information for the period after 30 June 2018.

Does this request apply to services under the Commonwealth Home Support Program, the Veterans Home Care Program or other grant funded programs?

No. This request only relates to approved providers under the Aged Care Act. Approved providers should respond in relation to the aged care services provided by them under that Act. If the approved provider also provides services under the Commonwealth Home Support Program, Veterans' Home Care Program or other grant funded programs those services do not come within the scope of this request.

Will there be a further request in relation to aged care services provided under these other programs?

There may be further information requests that relate to other aged care services covered by the terms of reference of the Royal Commission as set out in the Letters Patent.

Do all questions have to be answered on a service or outlet basis?

The general information that has been requested and questions 1, 2 and 4 should be answered on a service or outlet basis. However, the other questions may be answered at either a service/outlet or an approved provider level depending on what is more appropriate for the operating model of an approved provider.

Personal information

If answering a particular question is likely to reveal identifiable person information, that information should not be included at this stage. The provider should instead include an explanation that certain material has been omitted for privacy reasons, providing as much context as possible to allow the Commission to consider whether anything further should be sought from the provider.

Information about specific questions

What should be covered in relation to the terms “Loneliness, disengagement, disconnection, boredom” in questions 1 and 2?

Providers should consider occasions of care which do not meet their obligations under the relevant quality standards, other obligations under the Aged Care Act such as the Charter of Care Recipients Rights and Responsibilities and community expectations. For example, this could include in residential care, care which does not meet Accreditation Standard 3, which requires that "Care recipients retain their personal, civic, legal and consumer rights, and are assisted to achieve active control of their own lives within the residential care service and in the community". This includes outcomes such as emotional support, independence, leisure and activities and cultural and spiritual life. Providers are also expected to assess the care needs of their care recipients and develop a care plan based on their particular needs, one of which may be a risk of social isolation.

How is “substandard care” defined in questions 1 and 2?

In answering questions 1 and 2, providers should include information about occasions where their service or outlet has provided care which did not meet the relevant quality standards under the *Quality of Care Principles 2014* or other obligations under the Aged Care Act such as the Charter of Care Recipients Rights and Responsibilities. Providers should also include care which, in their view, did not meet the high standards of quality and safety that the Australian community expects of aged care services.

What should be included in relation to ‘abuse’ or ‘mistreatment’?

In considering the terms ‘mistreatment’ and ‘abuse’, providers should take a common-sense view that considers community expectations. ‘Mistreatment’ is treating someone badly or wrongly. ‘Abuse’ may take the form of financial, sexual, psychological, emotional, or physical abuse. It includes acts that cause harm or distress in situations where there is an expectation of trust in a relationship. That harm or distress may be caused by a single or repeated act or failure to act.

Instances of abuse or mistreatment may include but should not be limited to alleged or suspected reportable assaults which, under section 63-1AA of the Aged Care Act, approved providers of residential aged care must report within 24 hours to local police and the Secretary of the Department of Health.

How are complaints defined under question 2?

Providers should include any complaints that have been made to the former Aged Care Complaints Commissioner or any other relevant external bodies and those complaints dealt with through their internal complaints mechanisms as required under the relevant quality standards.

For questions 2(a), 2(b), and 2(c), providers should only provide information about complaints relating to substandard care.

Identifying the numbers of younger people with a disability in residential care that are of Aboriginal and Torres Strait Islander descent.

In answering question 4 and noting that Aboriginal and Torres Strait Islander peoples are eligible for aged care from 50 years, they should be included in answering this question.



What is meant by the term “systemic failure”?

It is recognised that some occasions of substandard care may be an isolated incident in a service which otherwise provides safe and high-quality care. Others will reflect a breakdown or failure on a broad or systemic basis across the service.

What is the difference between the information provided in relation to question 1 and question 2?

In relation to question 1, providers should include information on all such occasions of substandard care of which they ought to be aware, given their obligations as approved providers under the Aged Care Act and any other obligations under relevant Commonwealth or State and Territory legislation.

In relation to question 2, providers should identify information about complaints made directly to them, or about them to another body such as the former Aged Care Complaints Commissioner, in relation to substandard care.

I have pastoral care staff. Where do I include them in answer to the question on numbers of direct care staff as at 30 June 2018?

If you have direct care staff such as those providing pastoral care, or other staff, which do not fall into one of the nominated categories, include a category “Other” and specify details.

Should I include staff employed under labour hire arrangements?

You should include all those involved in directly caring for care recipients, whether they are employees or work under labour hire arrangements.

In relation to the number of people receiving services and/or care as at 30 June 2018, should this only include people in receipt of Commonwealth Government funding?

Yes, please include the number of people receiving Commonwealth-funded aged care services, with the exception of information relating to services provided under the Commonwealth Home Support Program, Veteran’s Home Care Program or other grant funded programs.

More information

How will this information inform the work of the Royal Commission?

Information provided under this request will be considered by the Royal Commission alongside submissions from the general public and stakeholders, data from statistical and regulatory agencies and any other evidence provided to the Commission.

Am I required to provide this information to the Royal Commission?

The Royal Commission is asking for your assistance and cooperation. At this time, you are not compelled to provide any or all of the information requested. However, the Royal Commission has extensive compulsory powers and may, if necessary, exercise those to secure the information in question.

All individuals are recommended to take particular care when considering making submissions or providing information to the Commission that could be defamatory – such as statements or implications that may damage the reputation of another person. There should be some common law or statutory protection available to a person who is sued for defamation provided that any allegedly

defamatory statements or imputations in the submissions or information given to the Commission were made by the person in good faith for the proper purposes of the Commission.

If an individual has concerns that information that he or she is considering providing to the Commission may be defamatory, the individual should consider seeking independent legal advice.

Will the information provided be published?

The Commission does not propose to publish the information provided, though it may publish aggregated data.

In what form should the submission be submitted?

It should be submitted by email to ACRCProviderResponses@royalcommission.gov.au as:

- a PDF file that is machine-readable and word-searchable; as well as
- an Excel file with the completed summary tables requested in questions 1(c) and 2(c)

By when must the submission be provided?

Submissions should be provided no later than Monday 7 January 2019 (for those larger providers that received a letter dated 23 November 2018) and Friday 8 February 2019 for all other providers.

Can an extension of time be granted?

The Commissioners would be assisted by submissions being received within the timeframes identified.

Is this my only opportunity to have input?

Should you wish to make a further submission to the Royal Commission, there will be opportunities to do so.

Where can I get further information about how to handle this information request?

Queries can be sent to ACRCenquiries@royalcommission.gov.au. You can also discuss queries with your peak body who can discuss them on your behalf with the Royal Commission.

Our organisation is an aged care approved provider, but we didn't receive an invitation to make a submission

If your organisation did not receive an invitation to make an early submission, you can send an email to ACRCenquiries@royalcommission.gov.au to clarify whether your organisation should have received an invitation.

Updating Provider contact details with the Department of Health

Approved providers can update their authorised contact details with the Department of Health by visiting <https://us10.campaign-archive.com/?u=1108de8332cef333bc1956686&id=1e6d050b2e>.