



Quality of Care Amendment Principles 2011 (No. 1)¹

Aged Care Act 1997

I, MARK BUTLER, Minister for Mental Health and Ageing, make these Principles under subsection 96-1(1) of the *Aged Care Act 1997*.

Dated 4th February 2011

MARK BUTLER
Minister for Mental Health and Ageing

1. Name of Principles

These Principles may be cited as the *Quality of Care Amendment Principles 2011 (No. 1)*.

2. Commencement

These Principles commence on 1 March 2011.

3. Amendment of the *Quality of Care Principles 1997*

Schedule 1 amends the *Quality of Care Principles 1997*.

Schedule 1 – Amendments

[1] **Section 18.3, after definition of Act**

insert

EACH Standards, in relation to a flexible care service, means the Extended Aged Care at Home Standards specified in the payment agreement between the Commonwealth and the approved provider that applies to that service.

EACH-D Standards, in relation to a flexible care service, means the Extended Aged Care at Home Dementia Standards specified in the payment agreement between the Commonwealth and the approved provider that applies to that service.

[2] **Section 18.3, after definition of *organisation***

insert

quality review means a review of the quality of care delivered against the Community Care Standards, the EACH Standards, the EACH-D Standards or the Community Care Common Standards.

quality review commencement notice means a notice given by the Department to an approved provider that a quality review will be conducted in relation to an aged care service operated by the approved provider.

quality review outcome notice means a notice given by the Department to an approved provider that informs the approved provider of the outcome of a quality review.

[3] **Section 18.3, after definition of *resident***

insert

service provider means the approved provider of an aged care service.

service user means a care recipient who is provided with care through an aged care service.

[4] **Subsection 18.14(1)**

substitute

- (1) The Community Care Standards are:
 - (a) if care is provided through a community care service before 1 March 2011 – the Community Care Standards set out in Schedule 4;
 - (b) if care is provided through a community care service on or after 1 March 2011 – the Community Care Common Standards set out in Schedule 5.

- (1A) Despite subsection (1), if an approved provider was given a quality review commencement notice before 1 March 2011, then for the period from 1 March 2011 to the date that the approved provider is given a quality review outcome notice in relation to the service:
- (a) the quality review will be conducted by reference to the Community Care Standards set out in Schedule 4; and
 - (b) the approved provider must comply with the Community Care Standards set out in Schedule 4 and the Community Care Common Standards set out in Schedule 5.

[5] Subsection 18.14(2)

after

The standards

insert

set out in Schedule 4

[6] After subsection 18.14(2)

insert

- (2A) The standards set out in Schedule 5 deal with the following matters:
- (a) effective management;
 - (b) appropriate access and service delivery; and
 - (c) service user rights and responsibilities.

[7] Note after subsection 18.14(3)

substitute

Note: Community Care Standards

The 7 matters dealt with in the Community Care Standards set out in Schedule 4 are dealt with in separate Parts of Schedule 4.

The 3 matters dealt with in the Community Care Common Standards set out in Schedule 5 are dealt with in separate Parts of Schedule 5.

[8] **After section 18.14**

insert

Part 6 Flexible Care Standards

18.15 Purpose of Part (Act, s 54-5)

This Part sets out Flexible Care Standards. Flexible Care Standards are standards for quality of care and quality of life for the provision of flexible care of particular kinds.

18.16 Flexible Care Standards

- (1) The Flexible Care Standards for flexible care in the form of:
 - (a) extended aged care at home; and
 - (b) extended aged care at home – dementia;are the Community Care Common Standards set out in Schedule 5.
- (2) Despite subsection (1), if an approved provider was given a quality review commencement notice before 1 March 2011, then for the period from 1 March 2011 to the date that the approved provider is given a quality review outcome notice in relation to the service:
 - (a) the quality review will be conducted by reference to the EACH Standards or the EACH-D Standards (whichever is applicable); and
 - (b) the approved provider must comply with:
 - (i) the EACH Standards or the EACH-D Standards (whichever is applicable); and
 - (ii) the Community Care Common Standards set out in Schedule 5.
- (3) The standards set out in Schedule 5 deal with the following matters:
 - (a) effective management;
 - (b) appropriate access and service delivery; and
 - (c) service user rights and responsibilities.
- (4) The flexible care standard for a matter consists of:
 - (a) the Principle for the matter; and
 - (b) the expected outcome for each matter indicator for the matter.

Note: Flexible Care Standards

The 3 matters dealt with in the Flexible Care Standards are dealt with in separate Parts of Schedule 5, which sets out the Community Care Common Standards.

[9] After Schedule 4*insert***Schedule 5 Community Care Common Standards**

(sections 18.14 and 18.16)

Part 1 Effective management

Principle: The service provider demonstrates effective management processes based on a continuous improvement approach to service management, planning and delivery.

| Col. 1 | Column 2 | Column 3 |
|--------|--|---|
| Item | Matter Indicator | Expected Outcome |
| 1.1 | Corporate governance | The service provider has implemented corporate governance processes that are accountable to stakeholders. |
| 1.2 | Regulatory compliance | The service provider has systems in place to identify and ensure compliance with funded program guidelines, relevant legislation, regulatory requirements and professional standards. |
| 1.3 | Information management systems | The service provider has effective information management systems in place. |
| 1.4 | Community understanding and engagement | The service provider understands and engages with the community in which it operates and reflects this in service planning and development. |
| 1.5 | Continuous improvement | The service provider actively pursues and demonstrates continuous improvement in all aspects of service management and delivery. |
| 1.6 | Risk management | The service provider is actively working to identify and address potential risk, to ensure the safety of service users, staff and the organisation. |
| 1.7 | Human resource management | The service provider manages human resources to ensure that adequate numbers of appropriately skilled and trained staff/volunteers are available for the safe delivery of care and services to service users. |
| 1.8 | Physical resources | The service provider manages physical resources to ensure the safe delivery of care and services to service users and organisation personnel. |

Part 2 **Appropriate access and service delivery**

Principle: Each service user (and prospective service user) has access to services and service users receive appropriate services that are planned, delivered and evaluated in partnership with themselves and/or their representative.

| Col. 1 | Column 2 | Column 3 |
|---------------|------------------------------------|--|
| Item | Matter Indicator | Expected Outcome |
| 2.1 | Service access | Each service user’s access to services is based on consultation with the service user (and/or their representative), equity, consideration of available resources and program eligibility. |
| 2.2 | Assessment | Each service user participates in an assessment appropriate to the complexity of their needs and with consideration of their cultural and linguistic diversity. |
| 2.3 | Care plan development and delivery | Each service user and/or their representative, participates in the development of a care/service plan that is based on assessed needs and is provided with the care and/or services described in their plan. |
| 2.4 | Service user reassessment | Each service user’s needs are monitored and regularly reassessed taking into account any relevant program guidelines and in accordance with the complexity of the service user’s needs. Each service user’s care/service plans are reviewed in consultation with them. |
| 2.5 | Service user referral | The service provider refers service users (and/or their representative) to other providers as appropriate. |

Part 3 Service User Rights and Responsibilities

Principle: Each service user (and/or their representative) is provided with information to assist them to make service choices and has the right (and responsibility) to be consulted and respected. Service users (and/or their representative) have access to complaints and advocacy information and processes and their privacy and confidentiality and right to independence is respected.

| Col. 1 Item | Column 2 Matter Indicator | Column 3 Expected Outcome |
|----------------|--------------------------------------|---|
| 3.1 | Information provision | Each service user, or prospective service user, is provided with information (initially and on an ongoing basis) in a format appropriate to their needs to assist them to make service choices and gain an understanding of the services available to them and their rights and responsibilities. |
| 3.2 | Privacy and confidentiality | Each service user's right to privacy, dignity and confidentiality is respected including in the collection, use and disclosure of personal information. |
| 3.3 | Complaints and service user feedback | Complaints and service user feedback are dealt with fairly, promptly, confidentially and without retribution. |
| 3.4 | Advocacy | Each service user's (and/or their representative's) choice of advocate is respected by the service provider and the service provider will, if required, assist the service user (and/or their representative) to access an advocate. |
| 3.5 | Independence | The independence of service users is supported, fostered and encouraged. |

Notes

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.