



Records Principles 2014

I, Mitch Fifield, Assistant Minister for Social Services, make the following principles.

Dated 20 June 2014

Mitch Fifield
Assistant Minister for Social Services

Contents

| | | |
|----|--|---|
| 1 | Name of principles..... | 1 |
| 2 | Commencement | 1 |
| 3 | Authority..... | 1 |
| 4 | Definitions | 1 |
| 5 | Meaning of <i>representative</i> | 1 |
| 6 | Purpose of these principles | 2 |
| 7 | Records about care recipients..... | 2 |
| 8 | Records about allegations or suspicions of reportable assaults | 3 |
| 9 | Records about staff members and volunteers..... | 4 |
| 10 | Duty to keep police certificates..... | 4 |
| 11 | Kinds of records that must be retained..... | 4 |

1 Name of principles

These principles are the *Records Principles 2014*.

2 Commencement

These principles commence on 1 July 2014.

3 Authority

These principles are made under section 96-1 of the *Aged Care Act 1997*.

4 Definitions

In these principles:

Act means the *Aged Care Act 1997*.

Answer Appraisal Pack has the meaning given by section 4 of the *Classification Principles 2014*.

application for classification has the meaning given by section 4 of the *Classification Principles 2014*.

Assessment Pack has the meaning given by section 4 of the *Classification Principles 2014*.

charge exempt resident has the meaning given by clause 1 of Schedule 1 to the *Aged Care (Transitional Provisions) Act 1997*.

police certificate, for a person, means a report prepared by the Australian Federal Police, CrimTrac or the police force or police service of a State or Territory about the person's criminal conviction record.

representative, of a care recipient, has the meaning given by section 5.

staff member, of an approved provider, has the meaning given by section 4 of the *Accountability Principles 2014*.

volunteer, for an approved provider, has the meaning given by section 4 of the *Accountability Principles 2014*.

5 Meaning of *representative*

- (1) In these principles, *representative*, of a care recipient, means:
 - (a) a person nominated by the care recipient as a person to be told about matters affecting the care recipient; or
 - (b) a person:
 - (i) who nominates himself or herself as a person to be told about matters affecting a care recipient; and
 - (ii) who the relevant approved provider is satisfied has a connection with the care recipient, and is concerned for the safety, health and wellbeing of the care recipient.

Section 6

- (2) Without limiting subparagraph (1)(b)(ii), a person has a connection with a care recipient if:
- (a) the person is a partner, close relation or other relative of the care recipient;
or
 - (b) the person holds an enduring power of attorney given by the care recipient;
or
 - (c) the person has been appointed by a State or Territory guardianship board (however described) to deal with the care recipient's affairs; or
 - (d) the person represents the care recipient in dealings with the approved provider.

Note: Nothing in this section is intended to affect the powers of a substitute decision-maker appointed for a person under a law of a State or Territory.

6 Purpose of these principles

For Division 88 of the Act, these principles specify the kinds of records that must be kept and retained by an approved provider.

Note: Under subsection 89-1(2) of the Act, a person who has ceased to be an approved provider must retain records that the person was required to retain under section 88-1 of the Act, other than records that the approved provider is required to transfer to another approved provider under section 16-10 of the Act.

7 Records about care recipients

An approved provider must keep the following kinds of records:

- (a) assessments of care recipients;
- (b) appraisal and reappraisal records for care recipients in the form of Answer Appraisal Packs, including:
 - (i) assessment tools from the Assessment Pack; and
 - (ii) sources of evidence mentioned in the Answer Appraisal Pack;
- (c) copies of applications for classification for care recipients that are not transmitted to the Secretary in electronic form;
- (d) individual care plans for care recipients;
- (e) medical records, progress notes and other clinical records of care recipients;
- (f) schedules of fees and charges (including retention amounts relating to accommodation bonds) for previous and current care recipients;
- (g) agreements between care recipients and the approved provider;
- (h) accounts of care recipients;
- (i) records relating to the approved provider meeting prudential requirements;
- (j) records relating to the payment and repayment of refundable deposits, accommodation bonds and entry contributions;
- (k) records relating to care recipients' entry, discharge and leave arrangements, including death certificates where appropriate;
- (l) records relating to a determination that a care recipient is a care recipient with financial hardship;

-
- (m) records of the amount of daily accommodation payments, daily accommodation contribution and accommodation charge paid or payable to the approved provider by care recipients;
 - (n) records of the amount of accommodation charge refunded by the approved provider in relation to care recipients who paid an accommodation charge for a period during which they were charge exempt residents;
 - (o) in relation to a continuing residential care recipient to whom the approved provider starts to provide residential care through a residential care service on or after 1 July 2014—a record of whether the care recipient made a written choice to be covered by Chapters 3 and 3A of the Act in relation to the service;
 - (p) in relation to a continuing home care recipient to whom the approved provider starts to provide home care through a home care service on or after 1 July 2014—a record of whether the care recipient made a written choice to be covered by Chapters 3 and 3A of the Act in relation to the service;
 - (q) in relation to a continuing flexible care recipient to whom the approved provider starts to provide flexible care through a flexible care service on or after 1 July 2014—a record of whether the care recipient made a written choice to be covered by Chapters 3 and 3A of the Act in relation to the service;
 - (r) up-to-date records of:
 - (i) the name and contact details of at least one representative of each care recipient, according to information given to the approved provider by the care recipient or by the representative; and
 - (ii) the name and contact details of any other representative of a care recipient, according to information given to the approved provider by the care recipient or by the representative.

8 Records about allegations or suspicions of reportable assaults

- (1) An approved provider must keep consolidated records of all incidents involving allegations or suspicions of reportable assaults.
- (2) The record for each incident must include:
 - (a) the date when the approved provider received the allegation, or started to suspect on reasonable grounds, that a reportable assault had occurred; and
 - (b) a brief description of the allegation or the circumstances that gave rise to the suspicion; and
 - (c) information about:
 - (i) whether a report of the allegation or suspicion was made to a police officer and the Secretary in accordance with subsection 63-1AA(2) of the Act; or
 - (ii) whether the allegation or suspicion was not reported to a police officer or the Secretary because of subsection 63-1AA(3) of the Act.

Note: Section 53 of the *Accountability Principles 2014* specifies the circumstances in which subsection 63-1AA(2) of the Act does not apply to an allegation or suspicion of a reportable assault.

9 Records about staff members and volunteers

An approved provider must keep records that enable the provider to demonstrate that:

- (a) in accordance with Part 6 of the *Accountability Principles 2014*, there is for each person who is a staff member or volunteer a police certificate that is, at all times during which the person remains a staff member or volunteer, not more than 3 years old; and
- (b) for any period that a staff member or volunteer is allowed under Part 6 of the *Accountability Principles 2014* to be without such a certificate, an application for a police certificate has been made; and
- (c) any statutory declaration required to be made by a staff member or volunteer under Part 6 of the *Accountability Principles 2014* has in fact been made.

10 Duty to keep police certificates

If a police certificate, or a copy of a police certificate, is kept by an approved provider under section 9, the police certificate or copy must be kept in accordance with the *Privacy Act 1988*.

11 Kinds of records that must be retained

An approved provider who ceases permanently to provide care to a care recipient must retain, in relation to the care recipient, records of the kinds mentioned in section 7.

Note: Under subsection 89-1(2) of the Act, a person who has ceased to be an approved provider must retain records that the person was required to retain under section 88-1 of the Act, other than records that the approved provider is required to transfer to another approved provider under section 16-10 of the Act.