

Records Principles 2014

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

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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.

(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.