

## AGED CARE APPROVED PROVIDER RESPONSIBILITY

Approved Providers of aged care services must be able to provide the Government with assurance that their care and services are suitable and meet mandated requirements under the *Aged Care Act 1997* (Cth).

*“An approved provider is responsible for the decisions about the delivery of care and financial management of subsidies and care recipient’s fees and payments. Approved providers have responsibilities and obligations to deliver the care in line with the standards that are specified in the Aged Care Act 1997 (the Act) and the Principles made under section 96-1 of the Act (the Principles).”*

These requirements relate to:

- The types and quality of services that must be provided to consumers,
- The user rights for whom care is provided, and
- The accountability for the care provided.

The Government sets out the requirements in:

- The *Aged Care Act 1997*;
- The Aged Care Standards; and
- The Charter of Aged Care Rights.

### **Approved Providers may demonstrate compliance with their statutory duties by:**

- Ensuring there are appropriate governance structures in place that support strategic and business plans.
- Ensuring an effective organisational structure with defined roles, responsibilities and accountabilities that is reflected in informed decision making and reporting.
- Ensuring that all ‘key personnel’ are not disqualified as defined under the *Act*.
- All key personnel must meet ongoing National Police Check requirements for Aged Care.
- Having effective systems for service planning in all areas of service delivery and across the Standards.
- Effective corporate governance and management of the service through appropriate planning, decision making, reporting, monitoring of key results, annual reporting, policies and procedures.
- The performance of the service against the *Standards* demonstrates effective corporate and regulatory compliance.
- There are regular opportunities for key decision makers to receive training and education in corporate governance.
- There is monitoring of key results which impact on effective governance and its delivery of care and services to consumers.



Key personnel are defined in section 8-3A of the Act as:

- People responsible for the executive decisions of the applicant (this includes directors and board members).
- People having authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the applicant.
- Any person responsible for nursing services provided, or to be provided, by the applicant, whether or not the person is employed by the organisation and
- Any person who is, or likely to be, responsible for the day-to-day operation of an aged care service conducted, or proposed to be conducted, by the organisation.
- Key personnel cannot be a disqualified individual, e.g.
  - *Has not been convicted of an indictable offence; or*
  - *The individual is not insolvent under administration (bankrupt); or*
  - *The individual is not of unsound mind*

### Notifying the Department

Approved (Aged Care) providers are required to notify the Department of any changes which may affect their suitability to provide aged care. Failure to comply may result in sanctions being imposed under Chapter 4.4 of the Aged Care Act.

The notification must occur within 28 days after the change occurs.

The 2019 Material Change Form Revision also requires Approved Providers to:

- Review their circumstances and report any arrangements, including with third party organisations, where it is considered a material change to previous operations.
- Notify the department of current key personnel (as at 1 November 2019) where they had not previously been notified, as they may be material to a provider's suitability. Historical key personnel changes that do not materially impact the current circumstances of a provider do not need to be reported.

<https://www.health.gov.au/health-topics/aged-care/providing-aged-care-services/responsibilities-of-approved-aged-care-providers>

### Updating details

Approved (Aged Care) providers should contact their local <https://www.health.gov.au/state-and-territory-offices>

to update operational contact details such as email, postal addresses or other relevant contact information.

### Other information

General information regarding approved providers including what is an approved provider; gaining approval as an approved provider; circumstances affecting suitability; key personnel; and approved forms and guidelines can be accessed from the Commonwealth Departments website:

<https://agedcare.health.gov.au/aged-care-funding/approved-provider-information>

