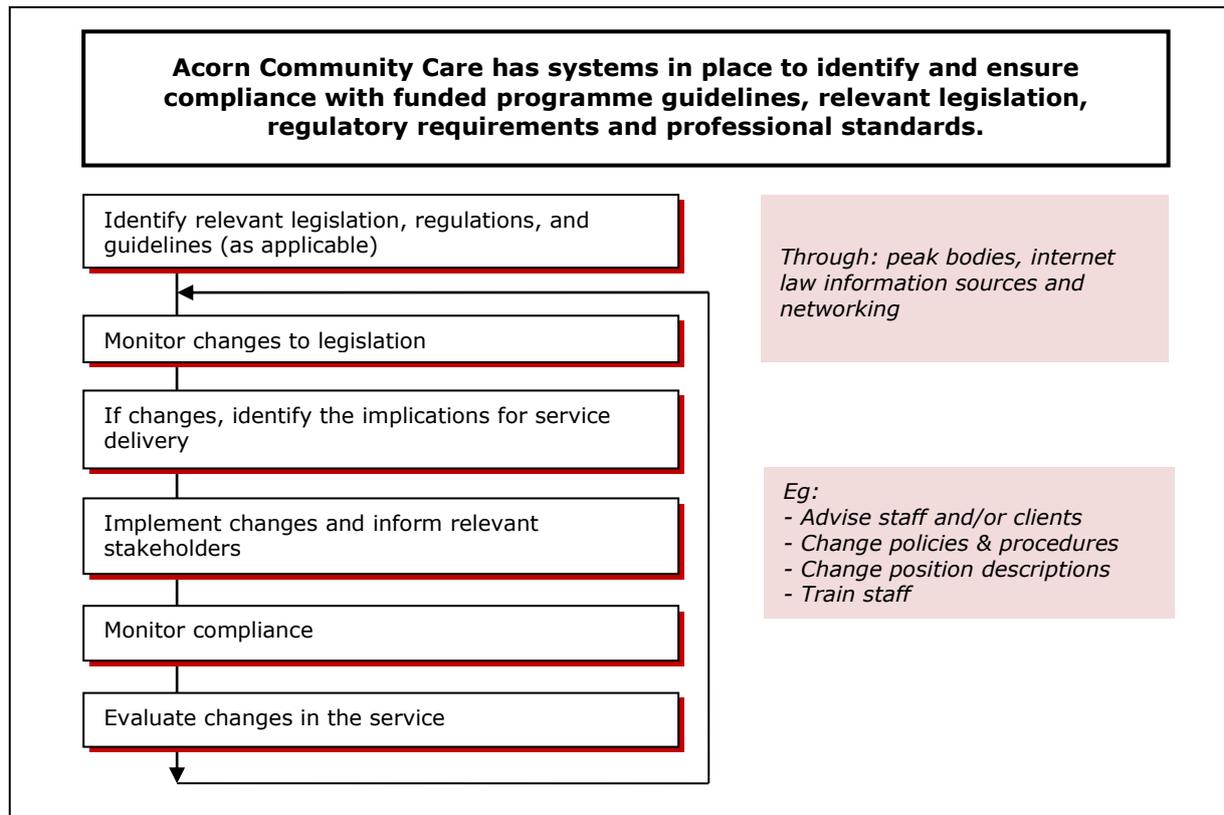


REGULATORY COMPLIANCE



NOTE: Please refer to the Word document (Legislation and Regulations Guide) in the RESOURCES file for detailed legislation and regulation guidance for each State and Territory.

Definitions¹

Legislation	A law or a body of laws enacted
Regulations	A rule of order prescribed by authority
Guidelines	A statement which offers advice on the implementation of a policy
Professional Standards	Standards prescribing the conduct of a professional, such as nursing or allied health professionals

FORMS AND RECORDS

Key Acts and Regulations	Manager, Internet or Shared Drive
Subscriptions information and advice of legislative changes	Manager
Minutes of meetings	Shared Drive
Funding agreements	Manager and Coordinators
CHSP and HCP Guidelines	Manager and Coordinators
Corporate Calendar	Shared Drive

¹ Macquarie Dictionary 3rd Edition 2002

2.1 Identify Relevant Requirements

The Manager of Acorn Community Care is responsible for ensuring that service delivery complies with funded programme guidelines, legislation, regulatory requirements and professional standards.

Relevant requirements are identified through:

- The internet
- Membership of Aged Care Services WA (ACSWA)
- Subscription to the Chamber of Commerce and Industry (CCI)
- Notices and advice from the Department of Social Services
- Networking with other providers (see Section 4: Community Understanding and Engagement).

Key legislation, regulations and other requirements include (but are not limited to):

- The Commonwealth Home Support Programme Guidelines
- The Commonwealth Home Care Package Guidelines
- Commonwealth Grant Agreement
- Home Care Standards
- Carers Recognition Act 2004
- Aged Care Act 1997 and Principles
- Associations Incorporation Act 1987
- Work Health and Safety Act 2011
- Relevant staff awards
- Building Code of Australia 2007
- Legislation governing the employment of staff and volunteers including: *Fair Work Act 2009*; income tax; superannuation; work health and safety (including the Model Work Health and Safety (WHS) Act (where appropriate to states and territories); equal employment opportunity; workers compensation and injury management
- Privacy Act 1988
- Nurses and Midwives Act 2006
- Poisons Act 1964 and Poisons Regulations 1965
- Fire and Emergency Regulations
- NHMRC 2010 *Australian Guidelines for the Prevention and Control of Infection in Healthcare* Commonwealth of Australia <http://www.nhmrc.gov.au/publications/synopses/cd33syn.htm>
- Food Standards Australia New Zealand *Food Standards Code Standard 3.3.1 Food Safety Programmes for Food Service to Vulnerable Persons* <http://www.foodstandards.gov.au/>
- Specific funding requirements detailed in contracts with funders
- Australian Government Department of Social Services *Charter of Rights and Responsibilities for Home Care* <http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-charter-rights.htm> .

2.2 Monitoring Changes to Legislation

The Manager of Acorn Community Care is responsible for keeping abreast of any changes in legislative and regulatory requirements. Changes are monitored through:

- Review of the ACSWA newsletter noting any information advising of changes to requirements
- Review of newsletters and notices from the Chamber of Commerce and Industry
- Advice from our organisation's Board members

- Noting changes advised by any other government or statutory authorities such as the Department of Social Services
- Accessing relevant information on the Internet.

When information advising of legislative changes is received, it is reviewed by the Manager to identify if there are any implications for our organisation. If any immediate action is required the Manager, in consultation with a designated Board member, ensures that it is carried out. The following process then applies:

- Information on required changes, the implications for our organisation and draft changes to the Policies and Procedures Manual are documented by the Manager in consultation with the Coordinators
- The Manager decides if the changes need Board approval and submits them to the next Board meeting as necessary (Board approval is required if changes involve new practices and new policies and procedures)
- The Board's decision is discussed with the Manager at the Board meeting and recorded in the minutes
- The Manager advises the Coordinators at the next Coordinator Meeting. Where changes are implemented an implementation strategy is developed and recorded in the minutes.

2.3 Implement Changes

The following steps apply, as necessary, in implementing regulatory/legislative changes in our organisation:

- The Policies and Procedures Manual is updated as per the process in 3.2.3 Updating the Policies and Procedures
- Forms are updated as required
- Staff are notified of relevant changes through:
 - Staff meetings
 - Notices, memos/emails and/or
 - Education and training (and recorded in the training system)
- Other stakeholders such as clients, referrers or suppliers are informed through a range of strategies including (as relevant):
 - Discussions/meetings
 - Newsletters and/or
 - Notices, memos/emails
- Changes are recorded as an improvement (see Section 5: Continuous Improvement)
- Changes are recorded in the Regulatory Compliance Register.

Appropriate policies and procedures to reflect legislative requirements (eg Work Health & Safety, Equal Employment Opportunity, Superannuation, Privacy, Insurances, Food Safety, police checks etc) are included in relevant sections of this Policies and Procedures Manual.

Processes are developed to support the implementation of required changes and are reflected in the Policies and Procedures Manual. Examples of processes include:

- All staff and volunteers have a current National Police Certificate that is updated every three years (see 7.8.2 Police Check)
- Work health and safety considerations are part of our risk management strategies for staff and include annual (and as required) assessments and re-assessments of staff work environments (see Section 6: Risk Management)
- Privacy and confidentiality is maintained through processes described in policies and procedures (see Section 3: Information Management Systems and Section 15: Privacy and Confidentiality)
- Food safety requirements (Food Standards Code Standard 3.3.1 Food Safety Programmes for Food Service to Vulnerable Persons) are adhered to when food is being prepared for more than

six people (our organisation only delivers pre-prepared food so does not need to comply with all elements of this Standard, but does use safe food handling practices)

- We have a maintenance programme that ensures that all (non-office) electrical equipment (including items such as Residual Current Devices² and hoists) is checked and tagged by a qualified electrician annually
- If sharps (eg needles) are required to be handled by staff, a sharps container is used in the client's home.

2.4 Monitor and Evaluate Changes in the Service

When changes to practices and processes are implemented in response to legislative and regulatory requirements, the Manager (in consultation with the Coordinators) monitors and evaluates them to ensure that the requirements have been implemented and that there are no unintended consequences.

This can include discussions with stakeholders informally and at meetings, forums and internal audits as per the [Corporate Calendar](#) (see Section 5: Continuous Improvement). Internal audit results are included in the Monthly Coordinators Report (see 1.8 Management Reports).

The Improvement Plan completed with the implementation of changes also details the results of the evaluation following implementation of any changes (see Section 5: Continuous Improvement).

² Regulation 3.60 of the OSH regulations requires that all RCDs be kept in a safe working condition and tested regularly: The Government of Western Australia Department of Consumer and Employment Protection 2008 *Guide to testing and tagging portable electrical equipment and residual current devices at workplaces*