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8.8 REGULATORY COMPLIANCE

8.8.1 IDENTIFY RELEVANT REQUIREMENTS

The CEO is responsible for ensuring that all operations of Acorn Aged Care, including services for consumers, comply with funded program guidelines, legislation, regulatory requirements and professional standards.

Relevant requirements are identified through:

- The internet
- Membership of Aged Care Services Australia (ACSA)
- Subscription to the Chamber of Commerce and Industry (CCI)
- Notices and advice from the Department of Health and relevant other government departments
- Networking with other providers (see 1.4.4 Inclusion in Community/Acorn Aged Care community involvement).

Key legislation, regulations and other requirements from the following sources (but not limited to) are included in these policies and procedures:

- The Commonwealth Home Support Programme Guidelines July 2018
- The Commonwealth Home Support Programme – Program Manual 2018
- The Commonwealth Home Support Programme Living Well at Home CHSP Good Practice Guide 2015
- The Commonwealth Home Care Packages Program Operational Manual December 2015
- The CHSP and HCP Grant Agreements (utilise the DSS Comprehensive Grant Agreement 2014)
- Aged Care Quality Standards 2018
- Aged Care Sector Statement of Principles 2015
- Australian Government Department of Health Charter of Rights (effective from 1 July 2019)
- Carers Recognition Act 2004
- Aged Care Act 1997 and Principles
- Specific funding requirements detailed in contracts with funders including
- Competition and Consumer Act 2010
- Work Health and Safety Act 2011
- Legislation governing the employment of staff and volunteers including: Fair Work Act 2009; relevant staff awards; work health and safety (including the Model Work Health and Safety (WHS) Act (where appropriate to states and territories); income tax; superannuation; equal employment opportunity; anti-discrimination, workers compensation and injury management
- Privacy Act 1988 and Australian Privacy Principles
- Nurses and Midwives Act 2006
- Medicines and Poisons Act 2014 and Medicines and Poisons Regulations 2016
- Fire and Emergency Regulations
- NHMRC 2010 Australian Guidelines for the Prevention and Control of Infection in Healthcare Commonwealth of Australia
- Food Standards Australia New Zealand Food Standards Code Standard 3.3.1 Food Safety Programs for Food Service to Vulnerable Persons.
- Government of Western Australia Associations Incorporation Act 2015

8.8.2 MONITORING CHANGES TO LEGISLATION

The Team Leaders are responsible for identifying any changes in legislative and regulatory requirements and advising the Managers of any required changes. Changes are monitored through:

- Review of the ACSA newsletter noting any information advising of changes to requirements
- Review of newsletters and notices from the Chamber of Commerce and Industry
- Advice from Board of Management members
- Noting changes advised by any other government or statutory authorities such as the Department of Health and the Department of Human Services and Therapeutic Goods Administration
- Review of changes advised by GGJ Consultants in relation to the Policies and Procedures
- Accessing relevant information on the Internet.

When information advising of legislative changes is received, it is reviewed by the Team Leaders to identify if there are any implications for Acorn Aged Care and their programs. If any immediate action is required the Team Leaders, in consultation with their Manager, ensure that they are carried out. The following process then applies:

- Information on required changes, the implications for Acorn Aged Care and draft changes to the Policies and Procedures Manual are documented by the Team Leaders in consultation with the relevant team members
- The Team Leaders forward information on changes to their Manager
- The Managers review the changes and decide if the changes can be made or if they require approval of the Improvement Committee. Changes requiring Improvement Committee approval include:
 - Changes with budget/staffing implications
 - Changes affecting other programs
 - Changes to policies and procedures
- If Improvement Committee approval is not required, the Managers implement the changes and advise the Improvement Committee of the changes on a Tell Us What You Think Form
- If Improvement Committee approval is required, the Managers provide a report with recommendations and an implementation plan to the Improvement Committee for consideration at the next meeting
- The Improvement Committee reviews the information and decides on the action and determines if the changes require Board approval before implementation (Board approval is required if changes involve significant expenditure, new practices and new policies and procedures)
- If Board approval is required the Improvement Committee submits, through the CEO, their proposal to the next Board meeting
- The Board decides on the action to be taken
- The CEO ensures implementation of the required changes.

8.8.3 IMPLEMENT CHANGES

The following steps apply, as necessary, in implementing regulatory/legislative changes in Acorn Aged Care:

- The Policies and Procedures Manual is updated (see 8.11.2/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 consumers, 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 on the Improvement Plan (see 8.9 Continuous Improvement)
- Changes are recorded in the Regulatory Compliance Register.

8.8.4 APPLICATION OF REGULATORY COMPLIANCE PROCESSES

Appropriate policies and procedures to reflect legislative requirements (e.g. 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 requirements 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 7.3.10/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 8.10 Risk Management)
- Privacy and confidentiality is maintained through processes described in policies and procedures (see 1.6 Privacy and Confidentiality and 8.11.7 Information Technology)
- We have a maintenance program that ensures that all electrical equipment (including items such as Residual Current Devices¹ and hoists) is checked and tagged by a qualified electrician annually
- Food safety requirements (Food Standards Code Standard 3.3.1 Food Safety Programs for Food Service to Vulnerable Persons) are adhered to when food is being prepared for more than six people.
- As sharps (e.g. needles) are required to be handled by staff, a sharps container is used in the consumer's home, in our centres and our residences, as required.

8.8.5 MONITOR AND EVALUATE CHANGES

Not included in example

8.8.6 WORK HEALTH AND SAFETY

Not included in example

¹ 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. Regulation 3.60 of the OSH regulations require that all RCDs be kept in a safe working condition and tested regularly: