



Obligations and Accountabilities



Australian Government
Aged Care Quality and
Safety Commission



Aged care providers have an obligation to provide safe and quality care and services that align with the requirements of the *Aged Care Act 1997* (the Act) and subordinate legislation to support the quality of care and services provided, uphold the rights of those receiving care and to maintain accountability for care provided.



BOARD AS SENSOR:

To ensure quality and alignment and sure handling

The leaders the sector need are connected to consumer outcomes. They monitor and are accountable for the delivery of quality care.

Governing body members and executives in aged care wear many hats, which will be subject to change based on the operating environment and challenges faced at any given moment in time.

'Obligations and Accountabilities' considers the role that governing body members and executives play in sensing, seizing and reconfiguring their organisations amid ongoing disruption.

The Board as sensor is attuned to the changes in the sector, legislation and operating environment and attentive to information which supports and enables continuous quality improvement.

In this role, the governing body has clarity on their organisation's contribution to the conversation and how it meets obligations of the consumer, regulator and the community.

There are a number of core responsibilities which aged care providers are required to comply with to meet their obligations. These include the quality of care and services provided, user rights of people receiving care and accountability for care provided.

In the desired aged care system, governing body members and executives are clear and aligned in their responsibility to promote a culture of dignity and respect that delivers safe, inclusive and quality care.

In this desired state, all governing body members and executives have sound knowledge of the Act as well as laws and regulation relevant to aged care. All members can attest that they are satisfied that the cultures, policies, structures and practices of their organisation are in line with the standards expected of them and have established effective assurance models to oversee key risks and operations.

To achieve this, governing body members and executives will need to be open and be prepared to be vulnerable about their current practice, embracing transparency in their decision-making and a responsiveness to challenge and change.



Role of the Governing Body and Executives

Governing body members have a responsibility to understand their obligations and are ultimately responsible and accountable for ensuring that safe and quality care and services are delivered to consumers.

Discharge legal duties

Governing body members have sound knowledge of the Act and other laws and regulations relevant to aged care and their organisation as well as their fiduciary duties to act in good faith.

This includes:

- ✓ Duty of care and diligence
- ✓ Duty to avoid conflicts of interest
- ✓ Duty to act in the best interests of the organisation understanding the regulatory framework in which the aged care provider operates

Monitoring how the organisation delivers safe and quality care

It is expected that governing body members and executives deliver care and services in line with expected standards.

This requires effective assurance models in line with organisational risk, which supports members to:

- ✓ Oversee the organisation's key risks and operations including ensuring effective incident management systems in place
- ✓ Act when required to rectify and prevent systemic issues
- ✓ Ask the right questions of management to understand the challenges and barriers which may impact performance
- ✓ Improve the overall performance of the organisation and outcomes for consumers
- ✓ Engage with consumers and staff regarding proposed changes to hear their views



Role of the Governing Body and Executives

Comply with reporting obligations

Governing body members and executives should be aware and understand how their organisation maintains compliance with compulsory reporting requirements under the Act and Aged Care Quality Standards.

At a minimum, this currently includes oversight of:

- ✓ Serious Incident Response Scheme (SIRS), for residential aged care providers
- ✓ National Aged Care Mandatory Quality Indicator Program

Establish an organisational culture that supports holding people accountable for providing quality and safe care

Governing body members are responsible for setting the organisational culture and embedding the behaviours needed to support compliance in the delivery of high quality and safe care.

To achieve this, it is expected that governing body members will:

- ✓ Embed an ethical code of conduct, including integrity, honesty and trust
- ✓ Hold stakeholders to account for breaches in values, ethics and codes of conduct
- ✓ Define acceptable and expected behaviours of leadership, including role modelling, transparency, fairness
- ✓ Embed a culture of root cause analysis and continuous improvement
- ✓ Support a transparent and open organisational culture which includes acknowledging when things go wrong without fear of retribution by consumers or staff
- ✓ Promote an environment which supports open disclosure where staff can raise their concerns



Links and resources

The below links provide additional details and supports to assist you to strengthen this capability ahead of the commencing your formal learning pathway:

Additional Resources:



Useful resources TO REVIEW

- [Aged Care Quality and Safety Legislations and Policies](#)
- [Charter of Aged Care Rights](#)



Useful articles TO READ

- [Department of Health – Responsibilities of approved aged care providers](#)
- [Australian Institute of Company Directors – Board governance in the aged care sector](#)
- [ASX Corporate Governance Council – Corporate Governance Principles and Recommendations](#)
- [Department of Health – Respect, care, dignity](#)



Useful videos TO WATCH

- [Aged Care Quality and Safety Commission: Accountabilities of Governing Bodies in Aged Care](#)



Useful clips to LISTEN TO

- [Does Transparency Lead To Transformation \(30:10\)](#)

