

12 August 2020

Aged Care Quality and Safety Commission: COVID-19 Q&A

Question: We are seeking advice please on the Commission's current position on re-accreditation site visits and the impact of COVID-19 on these, including when site audits are expected to recommence and what are the circumstances in which a determination of 'exceptional circumstances' will be made by the Department of Health and what is the outcome if granted?

Background for this request

There was [information](#) in Aged Care Quality Bulletin Number 17, 7 May 2020 about suspension of residential site audits and home services quality audits. The Commission has also advised providers that:

COVID-19 impact on site audits

Due to the COVID-19 pandemic, the Aged Care Quality and Safety Commission has temporarily modified the Regulatory Program, including the undertaking of site audits. It is possible that your site audit may not proceed as expected in the anticipated timeframe, and in some cases be undertaken close to or after accreditation expiry.

Continuation of Commonwealth subsidies

Both the Commission and the Department of Health are committed to providing continuity of subsidies where the re-accreditation program is affected by the COVID19 pandemic. If your site audit is not undertaken by the Commission and a decision on re-accreditation made before your accreditation expiry, your Commonwealth subsidies will be affected. Accordingly, the Department of Health (the Department) will consider making a determination of 'exceptional circumstances' under Section 42.5 of the Aged Care Act 1997. Where this determination is made, the Department will advise you in writing.

Consideration for exceptional circumstances is dependent on your application for re-accreditation and fee (as specified by the Commissioner) must be submitted by the date on this notice.

There is increased anxiety and uncertainty in the sector in relation to re-accreditation site visits, and not knowing when or if an audit will take place, is adding an additional layer of stress to providers at this time. A definitive 'yes, we will be going ahead with the audits, but we are running xx months behind', or 'no, we are not proceeding, and this is the interim arrangement', would be welcomed by providers.

Answer: See below the response ACSA has received from the Aged Care Quality and Safety Commission, Regulatory Policy & Performance.

Thank you for your email requesting advice on the Commission's current position on the impact of COVID-19 on the re-accreditation program, including when site audits are expected to recommence.

As you would be aware, the Commission modified its regulatory program and suspended re-accreditation audits in response to the COVID-19 pandemic, to focus on risk-based monitoring and support, and to minimise the infection risk posed by the extended time on site during an audit of residential aged care services. All providers are reminded that the Commission continues unannounced and short notice monitoring visits of services irrespective of the accreditation processes.

The Commission is resuming site audits this month in states and postcodes with low levels of community transmission of the virus. This is, of course subject to change if COVID-19 circumstances change. **Providers will be advised a minimum of 4 weeks from expiry if a re-accreditation site audit is not proceeding at their service.**

If the approved provider has applied for accreditation of the service and scheduling of a site audit for a service is impacted by COVID-19, the Commission has established a process with the Department of Health to apply a determination of 'exceptional circumstances'. The Department is able to determine, that a residential care service is taken, for the purposes of subsidies to meet its accreditation requirement. Importantly there must not be an immediate or severe risk to the safety or well-being of care recipient. (Note that the existence of COVID-19 in the community is not of itself an immediate and severe risk to consumers of a particular service).

Where the Department is satisfied that a service meets the determination requirements, it will receive continuity of funding for a period of up to six months. During this time, the Commission will examine whether a site audit can be safely conducted before the determination expires. We understand that it is possible for a further determination to be made, if the Department is satisfied that the service meets determination requirements.

As the COVID-19 pandemic continues, the Commission is considering options for the re-accreditation program to ensure continuity of accreditation and maintain the required level of site monitoring of Standards and our focus on infection control practices and COVID preparedness. We will consider the risks identified for individual regions, providers and services.

We anticipate providing updated information to the sector very shortly and will communicate with the peaks directly at this time. Meanwhile we will continue to communicate with individual services to provide certainty as their accreditation expiry dates approach.

The Commission appreciates the concerns you have raised and we are making every effort to provide clarity under challenging circumstances.