



## Some guidance from the Royal Commission into Aged Care

In our [previous article](#), we provided some information as to what aged care providers can expect during the Royal Commission into Aged Care.

With the Royal Commission under way, more news and guidance is becoming available to assist Aged Care providers manage and prepare for their involvement in the Royal Commission.

### SOME RECENT NEWS

Some of the more recent announcements include:

- The appointment of former Federal Court Judge Richard Tracey AM RFD QC as a Commissioner to replace Justice Joseph McGrath who was unable to continue for personal family reasons.
- That the preliminary hearing of the Royal Commission in Adelaide on 18 January 2019 will be opened to the public and live streamed onto the Commission's website.
- That the Royal Commission will be hearing evidence from February 2019.
- That the Attorney- General's Department has released advice on legal financial assistance for reasonable legal representation and expenses for an "entity" (ie an employee or former employee of "any aged care service" and who is not represented by the aged care service) who is required to appear in the Royal Commission as a witness, attend an interview or who may be required to provide a statement or produce documents.

### WHAT IS "SUBSTANDARD CARE" AND "MISTREATMENT OR ABUSE"

In the recent request for information letter to aged care providers sent by the Royal Commission, the information required to be provided by aged care providers includes the disclosure of any occasions "when the service or outlet has provided substandard care, including mistreatment and all forms of abuse..."

Some guidance as to what may constitute "substandard care" and "mistreatment or abuse" is available on the Royal Commission website and includes the following:

- **Substandard care** – where the service or outlet did not meet the relevant quality standards under the *Quality of Care Principles* or other obligations under the Aged Care Act such as the Charter of Care Recipients Rights and Responsibilities or community expectations.
- **"mistreatment"** or **"abuse"** – A common sense view is required to be taken that considers community expectations. As a guide - *'Mistreatment' is treating someone badly or wrongly. 'Abuse' may take the form of financial, sexual, psychological, emotional, or physical abuse. It includes acts that cause harm or distress in situations where there is an expectation of trust in a relationship.*

Examples of abuse or mistreatment may include but are not limited to alleged or suspected reportable assaults under section 63-1AA of the *Aged Care Act*.

## HELPFUL PUBLICATIONS ON ROYAL COMMISSION WEBSITE

The Royal Commission website<sup>1</sup> also includes a number of links to publicly available documents which have been identified as being relevant to the Terms of Reference included in the Letters Patent dated 6 December 2018.

Those publications are a helpful resource and provide a good understanding of the aged care industry in Australia and may assist aged care providers during their involvement in the Royal Commission.

## RESPONSES ARE DUE BY 8 FEBRUARY 2019

Responses by the smaller aged care providers to the request for information letter sent by Royal Commission are due by 8 February 2019.

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*For more information on how the Special Projects team at Kreisson can assist you in responding to the Royal Commission, please contact us at [excellence@kreisson.com.au](mailto:excellence@kreisson.com.au) or on 02 8239 6500.*

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<sup>1</sup><https://agedcare.royalcommission.gov.au/publications/Pages/related-publications.aspx>

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