P014 - Regulations and Compliance

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| 1.0  2.00 | 01/09/2016  14/05/2020 | Reviewed, minor wording changes | 01/09/2019  14/05/2023 |

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| Applies to: |
| All staff |

# PURPOSE

First Call is committed to complying with the legislation and regulations that apply to it and the services we provide. First Call will ensure it will monitor its compliance with its legislative and regulatory obligations, and act on any discrepancies identified.

# POLICY

First Call and its staff are to comply with all relevant legislation, laws, standards, codes and internal policies and procedures.

All of First Call’s policies, procedures and safe work practices are to be developed for the delivery of services against professional standards, qualifications, and requirements.

First Call ensures that ongoing identification and monitoring is conducted to identify any changes to or new legislation and regulations and ensure that existing policies are being followed to comply with regulations.

If new or changed regulations are identified, new or existing internal policies and procedures are to be developed and changed accordingly as required by the regulations following First Call’s regulatory compliance procedure to ensure compliance is achieved.

All Staff are aware of their responsibilities under relevant legislation and regulations and are to comply with these at all times.

First Call Nursing operates under the following legislation and standards:

* Accountability Principles 2014,
* Aged Care Act 1997 (as amended).
* Aged Care Complaints Scheme.
* Aged Care Principles 2014 (as amended).
* Australian Aged Care Quality Agency Act 2013 (as amended).
* Age Discrimination Act 2004 (as amended).
* Carer Recognition Act 2010.
* Disability Discrimination Act 1992(as amended).
* Financial Hardship Assistance (SA456 & SA462).
* Food Handling Standards.
* Freedom of Information Act 1982 (as amended).
* Health Practitioner Regulation National Law Act 2009 (as amended).
* Privacy Act 1988, Privacy Amendment (Enhancing Privacy Protection) Act 2012 and Australian Privacy Principles.
* National Employment Standards.
* National Disability Insurance Scheme Act 2013.
* Quality of Care Principles 2014.
* Racial Discrimination Act 1975 (as amended).
* Sex Discrimination Act 1984 (as amended).
* The Fair Work Act 2009 (as amended).
* User Rights Principles 2014.
* Worker Health & Safety Act 2011.
* Workplace Injury Management & Workers Compensation Act 1998.

## Process

All staff and clients (upon request) have access to all legislation, regulations and standards. The most current relevant legislation, regulations and standards are located: [G:\FC P & P\Acts - Compliance](file:///\\FYUSIONSBS\Files\Fyusion%20Asia%20Pacific\Clients\First%20Call%20Nursing\Policy%20Review\New%20Policies\Acts%20-%20Compliance)

All staff are provided with Staff Induction Paperwork on orientation, and information and education sessions regarding legislation and regulations are conducted on orientation and as required.

Clients are informed of the compliance with legislation and accreditation through (client) in home folder, correspondence and client surveys.

Appropriate and current compliance and Legislation certificates are displayed in the office.

The management team of First Call Nursing use the legislation to guide management practice and to ensure that the organisational processes meet the legislative requirements.

## Monitoring Legislation and Regulations

The following processes are in place to ensure that First Call Nursing remains compliant with legislative requirements:

* Subscription to Moving On Audits (Monthly Auditing and updating legislation)
* Subscriptions to NSW Legislation and Commonwealth Legislation email updates,
* Subscription to Standards Australia email updates,
* Membership to Aged Care Peak Industry bodies email newsletters,
* Membership to Workplace Assured to enable HR compliance
* Subscriptions to aged care journals,
* Subscriptions to updates from the Department of Social Services and Department of Health, (Industry feedback alert)
* Subscriptions to updates from the Living Longer Living Better aged care reforms legislative changes and other relevant government amendments,
* The Managing Director is responsible for monitoring the governance structure and updating relevant systems in response to amendments to legislation and regulations,
* A risk assessment process relating to regulatory compliance is undertaken by the Office Manager and appropriate actions are implemented,
* Regulations and compliance with legislation is discussed at office meetings as part of the agenda: Continuous Improvement
* Protocols and forms are updated to ensure compliance with legislation as required and noted in continuous improvement register.

## References

* Australian Human Rights Commission: <http://www.humanrights.gov.au/>
* Comlaw – Commonwealth of Australian Law: <http://www.comlaw.gov.au/Home>
* Department of Social Services: <http://www.dss.gov.au/our-responsibilities/ageing-and-aged-care>
* Holman Webb Lawyers (2013) Aged Care and Retirement Legislation Summary.
* Living Longer Living Better: <http://www.livinglongerlivingbetter.gov.au/internet/living/publishing.nsf/Content/home-1>
* MyAgedCare: <http://www.myagedcare.gov.au/>
* Office of Privacy Commissioner: <http://www.privacy.gov.au/>
* Standards Australia: <http://www.standards.org.au/Pages/default.aspx>

# PROCEDURE

Monitoring and identifying any new or revised legislation and requirements that are relevant to the services First Call provide. To be done through:

1. Regular updates of existing regulation by monitoring changes on relevant government websites.
2. Keeping up to date with the Aged Care and Health Care Industries.

Care worker assessment checks are to be conducted to audit compliance with Policies, Legislation and Regulations.

* This is to be conducted using the care worker assessment report form.

Revising and updating policies and procedures:

1. If any new or updated regulations, standards or guidelines are identified, First Call management is to revise, update or develop internal policies and procedures to ensure that compliance is achieved.
2. Any changes to internal policies and procedures are to be reviewed and monitored to ensure that they are being implemented and compliance is met.

## Communication

Staff are to be notified of any changes to existing regulations or new regulations, standards or guidelines; changes to existing or new internal policies and procedures through regular staff meetings, website and training is to be provided if necessary.