

INDICATORS TO DEMONSTRATE PERFORMANCE OF AGED CARE REGULATORY ACTIVITIES CARRIED OUT BY THE DEPARTMENT OF HEALTH

The Australian Government Regulator Performance Framework (the framework) requires Australian Government regulators to annually assess their performance to ensure they 'undertake their [regulatory] functions with the minimum impact necessary to achieve regulatory objectives'. The framework applies to regulatory activities undertaken by the National Aged Care Regulatory Programme within the Department of Health (the Department).

KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities

Context

When designing and reviewing policies and operational practices to meet statutory objectives, the Department considers how it might avoid imposing unnecessary costs on approved providers while fulfilling regulatory objectives.

Indicator One

The Department demonstrates and applies an understanding of the operating environment of approved providers of aged care.

Indicator Two

The Department implements continuous improvement strategies across its key compliance activities with approved providers.

KPI 2 - Communication with regulated entities is clear, targeted and effective

Context

The Department's communication with approved providers and relevant stakeholders is consistent and focused to promote ongoing compliance with the Aged Care Act 1997.

Indicator One

The Department provides guidance and information to approved providers that is up to date, clear, accessible and concise through media appropriate for them.

Indicator Two

The Department's decisions and advice to approved providers is provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.

KPI 3 - Actions undertaken by regulators are proportionate to the regulatory risk being managed

Context

The Department's risk assessment processes takes account of the regulated activity, the diversity of approved providers, compliance history and other external factors affecting risk.

Indicator One

The Department applies a risk-based proportionate approach to compliance obligations, engagement and regulatory enforcement actions.

Indicator Two

The Department's approach to assessing regulatory risk is regularly reviewed. Strategies, activities and enforcement actions are amended to reflect changing priorities that result from new and evolving regulatory issues.

Indicator Three

The Department considers an approved provider's compliance record when making decisions under the Aged Care Act 1997.

KPI 4 - Compliance and monitoring approaches are streamlined and co-ordinated

Context

Best practice regulators seek to minimise compliance costs imposed on stakeholders by streamlining compliance and monitoring approaches. The Department only seeks information from providers where the information is required to achieve the regulatory objectives.

Indicator One

The Department requests information only when required by aged care legislation and in other circumstances when it is necessary for the Department to make evidence based decisions.

Indicator Two

The Department conducts compliance activities in a coordinated, predictable and streamlined manner which is transparent and understood by approved providers.

KPI 5 - Regulators are open and transparent in their dealings with regulated entities

Context

Transparency in the behaviour and actions of the Department as a regulator builds accountability, and improves regulatory outcomes, for the National Aged Care Regulatory Programme. Results from regulatory performance should be released regularly to ensure an open and transparent relationship with approved providers.

Indicator One

The Department is open and transparent in its dealings with providers to ensure regulatory functions are clearly explained and offers providers information that supports them in complying with the Aged Care Act 1997.

Indicator Two

The Department's performance measurement results are published in a timely manner to ensure accountability to the public.

KPI 6 - Regulators actively contribute to the continuous improvement of regulatory frameworks

Context

The Department uses its knowledge of the aged care sector, outlined in KPI 1, to improve regulations and to increase compliance where possible. This process promotes a continuous improvement cycle and the flexibility required to adapt to changes in the external operating environment.

Indicator One

The Department establishes cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework.

Indicator Two

The Department engages stakeholders in the development of options to reduce compliance costs.