

Russell Kennedy – Governing Body Responsibilities Toolkit



From 1 December 2023, approved providers of aged care will be required to change their Governing Body structure and implement new processes. There have been a number of reforms to governance introduced following the Aged Care Royal Commission's criticisms of the boards of aged care providers. The new Aged Care Act will undoubtedly continue this theme and ratchet up the requirements of Governing Bodies.

It is imperative that Directors of Boards, members of Committees of Management or other Governing Bodies not only understand these reforms, they must demonstrate through their leadership the expected standards of behaviour and have a practical understanding of how approved providers are implementing the changes.

To assist Governing Bodies respond to the reforms and stay on top of the new legislation, Russell Kennedy has developed a Governing Body Responsibilities Toolkit which comprises:

1. Governing Body Responsibilities Training
2. Governing Body Responsibilities Manual
3. Governing Body Charter
4. Quality Care Advisory Body Terms of Reference
5. Consumer Advisory Body Terms of Reference
6. Decision-making Framework to assess Independent Non-Executive Director
7. Checklist for Application for Exemption from Governing Body Composition Requirements
8. Checklist for Governing Body Decision-Making Framework
9. Governing Body / Key Personnel Responsibilities Manual
10. Reframing your Constitution
11. Governance reforms Advice
12. Exemption Application
13. Governing Body Decision-making Framework

1. Governing Body Responsibilities Training

Victor Harcourt, Principal, explains the reforms in a practical way focussing on what Governing Body members need to know to understand their new responsibilities. In

this 75-minute webinar he discusses key elements of the Governing Body Responsibilities Reforms including:

- The requirements for the membership of approved providers' governing body.
- The Quality Care Advisory Body and the Consumer Advisory Body.
- The governing body's obligations in relation to the qualifications, skill and experience of staff.
- The statement of compliance.
- Reporting on provider operations.
- Requirements relating to matters that should, and should not, be included in your constitution.
- The obligations of members of the governing body with respect to the Code of Conduct.
- The obligations of the approved provider and the Directors as key personnel, in relation to key personnel suitability.
- The requirements to notify the Commission about certain matters, including a change of circumstances that materially affects its suitability as an approved provider, when a person becomes or ceases to be key personnel, and where the approved provider becomes aware of a change of circumstances that relate to a suitability matter of an individual who is one of its key personnel.

This interactive webinar gives your governing persons the opportunity to ask questions and discuss issues with Victor. The webinar will be recorded so you can use it on an ongoing basis for training delivered to Governing Body members, and Governing Persons. We will provide the power point to accompany the webinar.

We can also provide a pre-recorded 45-minute webinar available for your ongoing training needs.

2. Governing Body Responsibilities Manual

We have prepared an extensive plain-English Manual explaining the Governing Body Responsibilities Reforms to assist Governing Body members and governing persons understand their ongoing obligations. The content provides the members with a practical understanding of the new legislative obligations applicable to them. It contains a summary followed by a detailed explanation that can be referred to by members as they navigate their way through the complexities of the reforms.

3. Governing Body Charter

Our supplemental Governing Body Charter relating to the Governing Body Responsibilities Reforms is intended to be an addition to your existing Charter. It provides a convenient and comprehensive roadmap of the reforms in a style compatible with the purposes of a Governing Body Charter. It can be adopted by the Governing Body and easily implemented to provide modern content to your governance structure.

4. Quality Care Advisory Body Terms of Reference

The Quality Care Advisory Body will be an integral part of the governance structure with a process that significantly changes the Governing Body's obligations in relation to quality and safety. Our Terms of Reference provide the Advisory Body and the Governing Body a clear process for managing the relationship and complying with the legislation. The Terms of Reference reflect the legislative obligations and the Commission's guidance on meeting those obligations.

The Terms of Reference set out the overriding purpose of the advisory body, the functions of the body and the membership requirements. The documents also set out the frequency of meetings, the requirements for quorum to be met and how resolutions are passed, provide for review of the body's activities and, where relevant, the obligations of members of the bodies. They also set out record keeping requirements in relation to each body.

5. Consumer Advisory Body Terms of Reference

Approved providers need to offer their consumers and representatives the opportunity to set up a Consumer Advisory Body at least once a year. The Consumer Advisory Body will be an important mechanism for engaging with your consumers and improving your feedback, complaints and improvements processes. Approved providers will need to be proactive in making the offer, setting up the Consumer Advisory Body and helping to run it.

The Terms of Reference set out the overriding purpose of the advisory body, the functions of the body and the membership requirements. The documents also set out the frequency of meetings, the requirements for quorum to be met and how resolutions are passed, provide for review of the body's activities and, where relevant, the obligations of members of the bodies. They also set out record keeping requirements in relation to each body.

6. Decision-making Framework to assess Independent Non-Executive or Clinical Care Director

This decision-making framework assists you to collect relevant information and to then determine whether a person qualifies as an Independent Non-Executive Director or Clinical Care Director by reference to relevant criteria, to assess the information for materiality and to record your decision and reasons.

7. Checklist for Application for Exemption from Governing Body Composition Requirements

This checklist assists you to collect and record relevant information to complete the application for an exemption from the Governing Body composition requirements.

8. Checklist for Governing Body Decision-Making Framework

This checklist assists you to identify key aspects of decision-making framework with respect to the Governing Body and the shareholders or members.

9. Governing Body / Key Personnel Responsibilities Manual

As a member of the Governing Body and as a member of the Key Personnel category of Governing Person, members must demonstrate they have a practical understanding of the particular responsibilities and requirements relating to organisational governance and Key Personnel requirements.

This Manual describes the responsibility of the approved providers to ensure they are reasonably satisfied that individuals are suitable to be involved in the provision of aged care as Key Personnel and those that apply to individuals. It provides a roadmap to the particular responsibilities and requirements that Key Personnel who are members of the Governing Body must have an understanding of to satisfactorily discharge their obligations.

This Manual complements the Governing Body Responsibilities Reforms Manual by providing a broader organisational context than the reforms that are focused on in the Reforms Manual.

10. Reframing your Constitution

The governance reforms provide an opportunity for approved providers to review their constitutions and modernise them to reflect the expectations of stakeholders. We can assist approved providers with this process including recommendations for change.

11. Governance Reforms Advice

We can provide written advice about: whether any proposed or current directors meet the independent non-executive or clinical care experience requirements; any exemptions that could apply for the governing body membership requirements; and any necessary or desirable amendments to the constitution to meet or respond to the requirements of the reforms.

12. Exemption Application

We can draft your application from the governing body membership requirements, including developing alternative measures to meet the objectives of the governing body membership requirements.

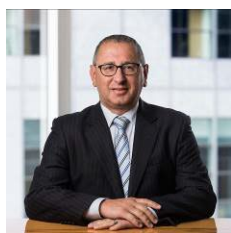
13. Governing Body Decision-making Framework

We can assist you to develop a Governing Body Decision-making Framework that defines the responsibility for key aspects of decision-making between the Governing Body and the shareholders or members including all relevant documents and changes to the constitution.

How do I purchase this?

To purchase any of these resources or ask any questions, please send an email to rkagedcare@rk.com.au and one of our team members will contact you.

Your Russell Kennedy key contacts



Victor Harcourt
Principal
(03) 9609 1693
vharcourt@rk.com.au



Anita Courtney
Principal
(03) 8602 7211
acourtney@rk.com.au



Solomon Miller
Principal
(03) 9609 1650
smiller@rk.com.au



Rohan Harris
Principal
(02) 8987 0024
rharris@rk.com.au



Jonathan Teh
Principal
(03) 9609 1587
jteh@rk.com.au

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Russell Kennedy Pty Ltd
info@rk.com.au
russellkennedy.com.au

Melbourne
Level 12, 469 La Trobe Street
Melbourne VIC 3000 Australia
PO Box 5146
Melbourne VIC 3001 Australia
T +61 3 9609 1555 F +61 3 9609 1600

Sydney
Level 24, 135 King Street
Sydney NSW 2000 Australia
Postal GPO Box 1520
Sydney NSW 2001 Australia
T +61 2 8987 0000 F +61 2 8987 0077



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