



## Responding to the Royal Commission's Invitation: top tips

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The first round of responses to the Royal Commission into Aged Care Quality and Safety were submitted on 7 January 2019.

The remaining providers are due to submit their responses by **8 February 2019**.

A number of common learnings emerged from the first round of responses. Providers in the second round are encouraged to consider the following:

1. at the earliest opportunity, determining what is important to you organisationally and what, if anything, you particularly wish to bring to the Commission's attention. This will assist in focusing the efforts of those preparing the response and in promoting a consistent approach within the organisation;
2. ensuring complaints are distinguished from instances of substandard care for the purposes of questions 1(b) and 2(b) – if a complaint was not substantiated, it should not be included as an instance of substandard care; and
3. ensuring that information included is up to date for the purposes of questions 1(b) and 2(b). For example, if an incident of poor staff conduct occurred in 2017 and the staff member was referred to HR, you should consider including details of what ultimately happened (eg whether the staff member was counselled, issued with a warning or dismissed). You should also consider whether you should be including details of more systemic improvements made since that time.

In preparing the response, you should also ensure you keep a copy of relevant records in a central location in case you are called on to provide information in relation to particular incidents.

If you need assistance with your response, Russell Kennedy has prepared a comprehensive suite of documents to assist providers in responding to the Commission. This includes:

1. *Guidance for residential care – How to complete the Commissioners' Questionnaire*
2. *Guidance for home care – How to complete the Commissioners'*

### People that can help



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Marika is the head of the Dispute Resolution team with over 23 years of experience. Marika has sign

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#### Questionnaire

3. Frequently Asked Questions – *How to complete the Commissioners' Questionnaire*. This document goes beyond the FAQs on the Commission's website
4. *Guidance – Making voluntary submissions in response to the Commissioners' Questionnaire*
5. *Guidance – Legal Professional Privilege*
6. *Guidance – Systemic Failure*
7. *Guidance – Record keeping*
8. Template documents for entering the questionnaire data/answers into
9. Calculator for questions 1(c) and 2(c)

In preparing these documents, we have drawn on our team's experience in assisting a number of providers in the first round, as well as our extensive knowledge of the aged care industry and regulatory scheme, developed from our decades of experience as the leading provider of legal services to the industry. This experience means we can provide your team with practical advice on the best way to prepare your responses to help you put your 'best foot forward'.

Even if you don't intend to engage lawyers, or you are using your insurers' lawyers, our suite of documents should assist your team in preparing your response.

If you would like to speak to us about your response, please don't hesitate to contact [Victor Harcourt](#) 03 9609 1693 or [Anita Courtney](#) on 03 8602 7211.

For further resources, we encourage you to visit our [Royal Commission webpage](#) which is updated regularly with insights and materials.

If you'd like to stay up to date with insights for the Aged Care sector, please sign up [here](#).

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