

# The new regulatory model

Guidance for CHSP providers



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### **Purpose**

This guidance outlines the regulatory changes affecting <u>Commonwealth Home Support Programme</u> (CHSP) providers under the <u>new Aged Care Act</u> (new Act). The new Act introduces a <u>new regulatory model</u> from 1 July 2025 that will see CHSP providers regulated under the Act for the first time. This means many of your obligations, conditions and reporting requirements will now be specified in law rather than in your grant agreement. It is important to understand what this means for your delivery of aged care services.

The guidance also outlines the roles of the <u>Department of Health and Aged Care</u> (department) and <u>Aged Care Quality and Safety Commission</u> (ACQSC).

Further guidance about what CHSP providers can expect under the new aged care reforms is available on the department's website:

## Provider obligations and support

Find out how we're preparing providers to transition to the new regulatory model, and what you need to do.

# How the new aged care regulatory model will work

Learn about the new features and processes of the new regulatory model.

## Regulation and oversight under the new Act

Learn about who will regulate and provide oversight of the aged care system under the proposed new Aged Care Act, and what their roles will be.

## Webinar: How the new model will work

Read the department's responses to questions asked by providers at a webinar, held on 14 November 2024.

## New programs to be regulated

For the first time, CHSP and NATSIFAC Program will be regulated under the Act.

Learn about the change.

#### **CHSP** reforms

Read more about the changes we are making to improve inhome aged care services.

See also:

CHSP 2025-27 extension resources

#### Context

The <u>Royal Commission into Aged Care Quality and Safety</u> found that the current <u>Aged Care Act (1997)</u>, and related legislation, was no longer fit for purpose to support quality aged care delivery. Several reforms to the industry were delivered in response.

A <u>new Aged Care Act</u>, starting on 1 July 2025, will build on those reforms and around 60 <u>Royal Commission into Aged Care Quality and Safety recommendations</u>. The <u>new Act</u> seeks to reform the aged care system to make it simpler, fairer and safer for older people. For the first time, all aged care providers will be regulated under the same Act, including CHSP providers.

<u>CHSP</u> will continue to be grant-funded and will not transition to the new <u>Support at Home</u> program before 1 July 2027. This staged approach gives CHSP providers time to prepare as they transition to the Support at Home program.

# Overview of the new regulatory model

The <u>new regulatory model</u> sets out how all aged care providers will be required to operate under the <u>new Act.</u> It will include provider registration and obligations, monitoring and enforcement, and complaints and whistle-blower protections. The new model starts when the <u>new Act</u> starts.

The new model will introduce:

- universal registration a single registration for each provider across all aged care programs
- obligations that reflect the types of services delivered
- more protections that place the rights and needs of older people at the centre of aged care to help them feel confident about their care
- ways for providers demonstrating excellence to be recognised, such as longer registration periods and graded assessments against the strengthened Quality Standards.

The new model will make it easier for providers to operate across multiple aged care programs by simplifying the arrangements for entry to service types and more clearly articulating the obligations that are associated with those service types.

It is unlikely CHSP providers will experience any material change in their obligations and responsibilities. However, the new model will strengthen the

monitoring powers of the ACQSC. This will allow the ACQSC to respond proactively and address emerging issues in the sector.

CHSP providers must be aware of their obligations under the new regulations, including those specific to their relevant registration categories.

# Transitioning to the new regulatory model

When the <u>new Act</u> starts, the <u>ACQSC</u> will register and regulate new providers, including <u>CHSP</u> providers. All existing aged care providers will also be automatically set up – or deemed – as registered providers. CHSP providers will be deemed as a registered provider and allocated into registration categories 1, 2, 3, 4, or 5 based on the services they are approved to deliver in their current grant agreement.

Organisations delivering additional types of care, such as home care packages, will be deemed as a single provider, with registration covering services delivered across all programs. However, during the 2025-27 transition period, when accepting referrals from CHSP clients, providers are only allowed to deliver the CHSP services outlined in their funding agreement.

#### **Categories**

#### The 6 proposed registration categories

- Category 1 Home and community services
- Category 2 Assistive technology and home modifications
- Category 3 Advisory and support services
- Category 4 Personal care and care support in the home or community (including respite)
- Category 5 Nursing and transition care
- Category 6 Residential care (including respite)

#### **Specialist Aged Care Program**

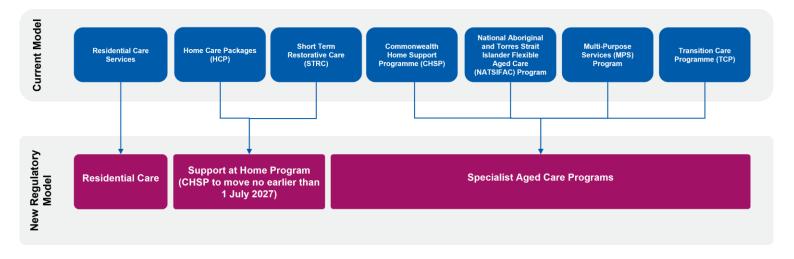
When the <u>new Act</u> starts, <u>CHSP</u> will be referred to as a Specialist Aged Care Program. <u>Specialist Aged Care Programs</u> are government-funded programs where there is an agreement or arrangement, such as a grant, to provide aged care services. To deliver CHSP services, you will need to be both registered in the relevant registration category and have a grant agreement in place to deliver the particular type of service.

In the two-year transitional period from 1 July 2025 until when CHSP will transition to the <u>Support at Home</u> program (no earlier than 1 July 2027), you will maintain your grant agreements. This means there will be no change to existing grant payment arrangements for 2025-27. This staged approach will allow time for you to adjust your business systems for assessments and reporting by the time you join the <u>Support at Home</u> program.

During this transitional period, you will continue to be managed by the department and your Funding Arrangement Manager (FAM) in the Community Grants Hub. You are expected to meet your obligations as outlined in your grant agreement.

If you have questions about your grant funding, contact your FAM in the Community Grants Hub. For program related queries, contact <a href="mailto:CHSPprogram@health.gov.au">CHSPprogram@health.gov.au</a>.

## Map of the transition to the new regulatory model across all aged care programs



## Government agency functions

Regulation and oversight responsibilities for the Australian aged care system is split across different agencies. The following Government agencies have functions under the <u>new regulatory model</u>:

#### **Aged Care Quality and Safety Commission**

#### The Department of Health and Aged Care

National regulator of aged care services.

Until 30 June 2025:

- conducts all quality reviews of aged care services provided in the community to ensure they meet the Aged Care Quality Standards.
- only <u>CHSP</u> sub-programs that deliver direct care to clients are subject to quality reviews.

From 1 July 2025:

- will register and monitor all aged care providers (including CHSP) to make sure they meet their obligations under the new Act.
- will have strengthened powers to monitor and assess provider compliance with the Aged Care Code of Conduct, the strengthened Quality Standards and other obligations.

Until 30 June 2025:

 The department has policy and program oversight of the aged care programs that support the aged care sector.

From 1 July 2025:

- The department's Secretary will be the aged care System Governor.
- The System Governor and the department will be responsible for the operations and oversight of the aged care system.

<u>Learn more</u> <u>Learn more</u>

# Overarching obligations of the new Aged Care Act

Under the <u>new regulatory model</u>, there will be core conditions that apply to all registered providers, including:

- Statement of Rights (replaces current Charter of Rights)
- Aged Care Code of Conduct
- workforce and worker registration requirements
- compliance with applicable laws
- protecting personal information (as is currently required under the Act)

Other conditions or obligations will only apply to some providers, for example, providers who are registered in a specific registration category. This will help make sure obligations on providers are proportionate and address specific risks. The ACQSC will also have power to impose conditions on an individual provider's registration.

Providers operating across multiple aged care programs will have one set of consolidated obligations depending on the registration category, or categories, in which they are registered. This will help streamline interactions between providers and the ACQSC.

The <u>strengthened Quality Standards</u> are one example of an obligation that will also apply to some providers, including some CHSP providers depending on the services they provide. Details on which obligations will apply to which kinds of providers will be confirmed in the Rules that support the new Act. These will be released for consultation in February and March 2025 and an initial indication of what they will include has been published. The strengthened Quality Standards guidance promotes best practice in service provision.

Read more about the key changes to the way providers operate and the obligations they must meet.

## Summary of regulatory changes

The new regulatory model seeks to create a culture of continuous improvement, where the ACQSC works with providers in a positive proactive way to improve the quality and safety of aged care services. Many of the changes introduced, such as graded registration and renewal audits, public reporting and the new Statement of Rights, are designed to provide incentive for positive change and promote a constructive working relationship with the ACQSC.

The following tables outline how your regulatory responsibilities and obligations will change as CHSP transitions to a Specialist Aged Care Program (1 July 2025) before entering Support at Home (no earlier than 1 July 2027).

- CHSP Program Responsibilities
- ACQSC Oversight
- Registration and Renewal
- Quality Standards

- Reporting
- Codes of Conduct
- Rights
- Incident Management and Complaints
- Worker Screening

#### **CHSP Program Responsibilities**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Program principles	CHSP principles that underpin CHSP service delivery:  1. Social and cultural sensitivity  2. Client, carer and family empowerment  3. Client-centred support with a wellness and reablement approach  4. Committed and responsive service provision  5. Wellness and reablement	The 5 principles underpinning CHSP service delivery align with the Statement of Rights and Statement of Principles in the new Aged Care Act.  1. Social and cultural sensitivity  2. Client, carer and family empowerment  3. Client-centred support with a wellness and reablement approach  4. Committed and responsive service provision  5. Wellness and reablement	CHSP Program obligations no longer apply. Obligations under Support at Home.
Industry standards and guidelines	All providers must comply with relevant codes of ethics, and industry quality standards and guidelines.	All providers must comply with relevant codes of ethics, and industry quality standards and guidelines.	CHSP Program obligations no longer apply. Obligations under Support at Home.
Grant agreements	All providers must have a grant agreement and meet the requirements of their agreement.	All providers must have a grant agreement and meet the requirements of their agreement. Agreements will be drafted to avoid duplication with conditions of registration and obligations that apply under the new Act.	Grant agreements no longer in use as Support at Home is subsidised by the Australian Government.

### **ACQSC Oversight**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
		The ACQSC will register new CHSP providers and consider applications for renewal of registration.	The ACQSC will register new CHSP providers and consider applications for renewal of registration.
		This will include assessing providers' compliance with the Aged Care Code of Conduct, worker screening, and other obligations.	This will include assessing providers' compliance with the Aged Care Code of Conduct, worker screening, and other obligations.
Role of ACQSC	The <u>ACQSC</u> conducts quality reviews and assessment contacts of <u>CHSP</u> home services against the <u>current</u> <u>Quality Standards</u> .	Only providers registered in categories 4, 5 and 6 will be audited against the strengthened Quality Standards.	Only providers registered in categories 4, 5 and 6 will be audited against the strengthened Quality Standards.
		Providers in categories 1-3 will be subject to monitoring by the ACQSC and may be investigated if there is a risk of harm.	Providers in categories 1-3 will be subject to monitoring by the ACQSC and may be investigated if there is a risk of harm.
		Upon renewal the ACQSC may impose conditions to manage risks and for noncompliance.	Upon renewal the_ACQSC may impose conditions to manage risks and for non-compliance.
	The department can respond to non-compliance by revoking grant funding.	A variety of sanctions can be imposed for not complying with obligations.	A variety of sanctions can be imposed for not complying with obligations.
Powers	The ACQSC has no power to revoke authority for service delivery.	The ultimate sanction is revocation of registration and banning from delivering aged care.	The ultimate sanction is revocation of registration and banning from delivering aged care.
		Further information will be provided in the coming months.	
Complaints mechanisms	CHSP providers must have complaints mechanisms in place as required under the Aged Care Quality Standards. CHSP providers must actively encourage their clients and carers to provide	Obligations under the Aged Care Standards regarding complaints management will continue under the strengthened Quality Standards.	Complaints management obligations under strengthened Quality Standards.

feedback about services	Providers also need to report	Providers also need to report
received.	under the Serious Incident	under the Serious Incident
All <u>CHSP</u> clients have access to complaint mechanisms, including the <u>Serious Incident Response</u> <u>Scheme</u> run by the <u>ACQSC</u> .	Response Scheme.	Response Scheme.

### **Registration and Renewal**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Registration process	CHSP providers are not currently registered. Funding arrangements through grants contracts are managed by the department.	Deeming process for initial registration of existing providers once the new Act is in effect.  CHSP providers will be deemed as a registered provider and allocated into registration categories between 1-5 based on the services they are approved to deliver in their current grant agreement.  New applicants must meet the registration requirements under the new Act.  CHSP providers already registered through the deeming process will have registration renewal timings set by the ACQSC.  Only providers registered categories 4, 5 and 6 will be assessed against strengthened Quality Standards as part of registration/renewal audit.	New applicants will undergo registration assessment and decision.  All providers must meet the registration requirements under the new Act.  Only providers registered in categories 4, 5 and 6 will be assessed against strengthened Quality Standards as part of registration/renewal audit.  CHSP providers already registered through the deeming process (1 July 2025) will have registration renewal timings set by the ACQSC.
Duration of registration	Duration of grant agreement is variable.	Period of registration set by ACQSC from time of deeming/registration.	Each registered provider will be given a registration renewal date by the ACQSC (most likely every three

	Grant agreements are managed by the department.	Grants will be in place until 30 June 2027.	years), based on matters such as:  risk regulatory intelligence workforce management recency of accreditation audits or contacts.
Revocation of provider status	Providers must refer to the Community Grants Hub Grant Recipient Portal or reach out to their FAM.	Providers must submit a request for the revocation of their approval status to the ACQSC.  Providers can only be revoked when the ACQSC is satisfied they have met certain requirements.	Providers must submit a request for the revocation of their approval status to the ACQSC.  Providers can only be revoked when the ACQSC is satisfied they have met certain requirements.

### **Quality Standards**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Assessment against the Quality Standards	All approved providers must comply with relevant industry standards and guidelines, this includes current Quality Standards.  Read the current Commission Guide to Assessment of CHSP services (against the standards).	The ACQSC will only assess providers registered in categories 4, 5 and 6 against the strengthened Quality Standards as part of registration/renewal audit.  The ACQSC will monitor providers in categories 1-3 and investigate if there is risk of harm to older people receiving those services.	The ACQSC will only assess providers registered in categories 4, 5 and 6 against the strengthened Quality Standards (as part of registration/renewal audit).  The ACQSC will monitor providers in categories 1-3 and investigate if there is risk of harm to older people receiving those services.
Grading	Assessment - Pass/Fail against <u>current Quality</u> <u>Standards</u> .	Audit gradings against strengthened Quality Standards have been designed to incentivise excellence, innovation, and continuous improvement for the sector.	Audit gradings against strengthened Quality Standards have been designed to incentivise excellence, innovation, and continuous improvement for the sector.

#### Reporting

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
What to report	Current reporting includes monthly performance reporting of services delivered, annual financial reports, service delivery reports (for SSD), and wellness & reablement reporting and compliance reporting.	CHSP providers will continue to deliver reporting for monthly performance, annual financials, service delivery (for SSD), wellness & reablement and compliance.  Read more about the digital changes under the Act.	CHSP providers will deliver reporting for monthly performance, annual financials, service delivery (for SSD), wellness & reablement and compliance.  Read more about the digital changes under the Act.
Where to report	Current client data reporting is provided through DEX reporting where a Statistical Linkage Key (SLK) is created (managed by Department of Social Services (DSS).	CHSP providers will gain access to the Government Provider Management System GPMS to report information about their organisation and personnel.  Continue reporting through DEX.However, reporting requirements for DEX will change to provide greater assurance providers are being paid accurately for services delivered.	GPMS to report information about their organisation and personnel.  Continue reporting through DEX until transition to Support at Home.
My Aged Care ID	Most <u>CHSP</u> clients are registered in <u>My Aged Care</u> (MAC) and these clients will have a <u>MAC ID</u> .  Some CHSP clients will not have a MAC ID.	Providers will need to ensure all individuals receiving care have a MAC ID and the services linked to the ID. The department will work with providers on this requirement.	Providers will need to ensure all individuals receiving care have a MAC ID and the services linked to the ID.

#### **Codes of Conduct**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Aged Care Code of Conduct	Whilst the Aged Care Code of Conduct does not apply to CHSP, these providers must still provide safe and	As registered providers, CHSP providers must comply	As registered providers, CHSP providers must comply

	respectful care in keeping with the Code.	with the Aged Care Code of Conduct.	with the Aged Care Code of Conduct.
Grantee Code of Conduct			9
		The Grantee Code of Conduct will not conflict with the Code of Conduct for Aged Care.	The Grantee Code of Conduct will not conflict with the Code of Conduct for Aged Care.
		A draft of this code was included in release 2C of the draft rules.	A draft of this code was included in release 2C of the draft rules.

### **Rights**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Charter of Rights/Statement of Rights	Charter of Rights.  All providers must:  • help people using aged care to understand their rights under the Charter.	Statement of Rights replaces the Charter.  The Statement of Rights expands on the Charter to include the right to have quality and safe services delivered consistently with	Statement of Rights expands on the Charter to include the right to have quality and safe services delivered consistently with the requirements imposed by the new Act.

<ul> <li>sign and give the person receiving copy of the char (representatives also receive a complete with the complete of the complete of</li></ul>	the new Act.  It will be a condition of registration for providers to demonstrate an understanding of the rights of individuals under the Statement of Rights and have practices in place to ensure the delivery of aged	It will be a condition of registration for providers to demonstrate an understanding of the rights of individuals under the Statement of Rights and have practices in place to ensure the delivery of aged care services that are compatible with those rights. When an older person (or
	care. Statement of Rights and have practices in place to	ensure the delivery of aged care services that are compatible with those rights. When an older person (or someone connected to them) believes their rights have been breached, they can
	believes their rights have been breached, they can raise this with their provider and/or escalate a complaint directly to the ACQSC.	raise this with their provider and/or escalate a complaint directly to the <u>ACQSC</u> .

### **Incident Management and Complaints**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Complaints mechanisms	CHSP providers must have incident and complaints mechanisms in place as required under the Aged Care Quality Standards. CHSP providers must actively encourage their clients and carers to provide feedback about services received.  All CHSP clients have access to complaint mechanisms.	All providers must have an incident management and complaints process as a condition of registration.	All providers must have an incident management and complaints process as a condition of registration.
Complaints reporting	Incident management and reporting under the Serious Incident Response Scheme.	Incident management and reporting under the Serious Incident Response Scheme.	Incident management and reporting under the Serious Incident Response Scheme.

#### **Worker Screening**

	<u>UNTIL</u> 30 June 2025	FROM 1 July 2025	NO EARLIER THAN 1 July 2027
Background checks	CHSP providers must undertake thorough background checks of staff in accordance with the requirements under the CHSP Grant Agreement and the current Aged Care Quality Standards.  As part of this, providers must ensure National Criminal History Record Checks, no more than 3 years old, are held by staff and volunteers.	CHSP providers are required to ensure that aged care workers and responsible persons have either a police certificate or a NDIS worker screening clearance.  The department is working to introduce a new Aged Care Worker Screening Check for risk assessed roles. The process for Aged Care Worker Screening Checks will be the same as NDIS Worker Screening Checks.  The new screening process for aged care will not start before 2026. Aged care providers and workers do not need to prepare for the new screening check yet.  More guidance will be released by the department when available.	The New Aged Care Worker Screening Check is expected to be in place.  See Screening requirements for aged care workforce for more information on the future of screening checks.

#### **GPMS**

The <u>Government Provider Management System (GPMS)</u> is the portal where providers view and maintain some of their information about their organisation and personnel. When the <u>new Act</u> starts, some CHSP providers will gain access to GPMS for the first time.

The department will establish GPMS records in the lead up to 1 July 2025 and provide relevant guidance material and support to help you navigate its functionalities. You will have a first look at the information held about your organisation in this portal as part of the <a href="Provider Registration Preview">Provider Registration Preview</a> in April 2025.

You can continue to update your organisational details via your Funding Arrangement Manager until 1 July 2025 and will not be required to log on or complete reporting on GPMS before this time.

Learn more about the digital changes related to the new Aged Care Act.

### **FAQs**

## If I have been deemed into a category under CHSP, am I eligible to deliver the other services in that category?

While Support at Home is being implemented, CHSP will continue for CHSP clients and providers until at least 30 June 2027.

Providers can only deliver CHSP services they are funded to deliver, and in the Aged Care Planning Regions (ACPRs) they are funded for, as outlined in their grant agreement.

CHSP providers could consider expanding their range of services by becoming a Support at Home provider under the new Aged Care Act. This would require them to be able to deliver all of the services needed by Support at Home clients, including care management, and be registered to deliver all of those service types.

### What is the deeming process for existing CHSP providers that continue to deliver services when the new Act comes into effect?

Existing CHSP providers will be automatically deemed into the relevant categories by the department. All operational Australian Government-funded aged care providers that hold an ABN will be deemed. We will advise providers of the registration period, registration category and applicable conditions.

This deeming process will transition providers to the new regulatory model and will not disrupt the delivery of services in the transition to the new Act. We will also provide a preview of this deeming outcome in April 2025. This is called the Provider Registration Preview.

#### How do my obligations as a CHSP provider change when the new Act starts?

The new Aged Care Act will regulate CHSP providers the same way as other aged care programs. Overarching obligations apply to all aged care providers, such as the Statement of Rights, the Aged Care Code of Conduct and worker screening requirements. Other obligations will be specific to the service types provided and may include regulation under the strengthened Quality Standards. Further information on obligations under each registration category will be shared when available.

#### I am a subcontractor delivering services on behalf of a CHSP provider. How will the new regulatory model affect me?

Once the new Aged Care Act starts, subcontractors who are currently providing services on behalf of an approved provider will be known as associated providers. Associated provider is a new concept under the new Act.

Registered providers can continue to subcontract out service delivery. Subcontractors will be known as associated providers and will not be required to be registered providers; however, the registered provider will be responsible for ensuring the associated provider complies with all relevant obligations.

Associated providers may decide to apply to become a registered provider once the new Aged Care Act starts. Associated providers will need to follow the application process managed by the <u>ACQSC</u> to become registered under the correct registration category.

### How will deeming determine CHSP provider unit pricing and affect the funding extension?

The department will move, or deem, existing government funded providers into registration categories when the new Aged Care Act starts. This will be based on the services being delivered or the services required under the grant agreement as part of the CHSP 2025-27 extension. The services that you have in your 2025-27 agreements will be reflected in GPMS.

The deeming activity is not linked to the grant funding extension and will not determine unit pricing.

## If CHSP providers currently delivering services would like to increase the levels of support under the new registration categories, how and when can they apply to do this?

Existing providers, including CHSP providers, will automatically be moved, or deemed, into registration categories when the new Aged Care Act starts. This will be according to the services they currently deliver or are required to deliver under their grant agreement.

The CHSP Extension process for 2025-27 is not an opportunity for providers to seek additional funds. Further information is available in the <a href="CHSP Extension provider fact">CHSP Extension provider fact</a> sheet.

If an existing provider is looking to vary their service offering under the new regulatory model, they will need to make an application when the new Act and registration process commences on 1 July 2025. Further information on application processes and any applicable costs will be provided as they become available.

#### Can I vary my organisation's registration categories and deliver additional services before the new Act starts?

Providers will be deemed into registration categories according to the services they currently deliver, when the new Act starts.

CHSP providers seeking to deliver additional services or remove services before 1 July 2025 under their current funding agreement, should contact their funding agreement manager for advice.

From 1 July 2025, if an existing provider is looking to increase their service offering under the new regulatory model, they will need to either <u>notify</u> the <u>ACQSC</u> they intend to increase services within a category they are already registered in or apply to add an additional category to their registration. To increase services, a CHSP provider would need to apply for additional grant funding for that service type through a growth funding round or look to become a Support at Home provider. Further information on application processes and any applicable costs will be provided as they become available.

- For more information about CHSP visit https://www.health.gov.au/our-work/chsp
- For more information about the new regulatory model visit https://www.health.gov.au/our-work/new-model-for-regulating-aged-care
- Email your queries to agedcareregmodel@health.gov.au