



Southern Cross Care
(Tasmania) Inc.

Voluntary Enforceable Undertaking

Aged Care Quality and Safety Commission Act 2018

Section 74EC

Regulatory Powers (Standard Provisions) Act 2014

Section 114

The commitments in this undertaking are voluntarily offered by

Southern Cross Care (Tasmania) Inc

to the

Aged Care Quality and Safety Commissioner



1 DEFINITIONS

In addition to terms defined elsewhere in this Voluntary Enforceable Undertaking and in the associated legislation, the following definitions are used:

- **Aged Care Act** means the *Aged Care Act 1997* (Cth).
- **Approved Provider** means a person approved by the Commissioner under section 63 of the Commission Act as a provider of aged care.
- **Commission Act** means the *Aged Care Quality and Safety Commission Act 2018* (Cth).
- **Commission** means the Aged Care Quality and Safety Commission established by section 11 of the Commission Act.
- **Commissioner** means the Commissioner of the Commission, or a person delegated under section 76 of the Commission Act to perform the Commissioner's functions or exercise the Commissioner's powers.
- **Completion Date** means 15 December 2024.
- **Provider** means Southern Cross Care (Tasmania) Inc (ABN 18 773 507 851) of 85 Creek Road New Town, Tasmania, 7008, in its capacity as an Approved Provider.
- **Quality Standards** means the Aged Care Quality Standards contained in Schedule 2 of the *Quality of Care Principles 2014* (Cth).
- **Regulatory Powers Act** means the *Regulatory Powers (Standard Provisions Act) 2014* (Cth).
- **Undertaking** means this Voluntary Enforceable Undertaking.

2 INFORMATION

Commissioner's role

- 2.1 The Commissioner has responsibility for the regulatory functions under the Commission Act including the power to accept an enforceable undertaking in accordance with section 114 of the Regulatory Powers Act.

Purpose

- 2.2 The purpose of this Undertaking is to state the:

- 2.2.1 undertakings voluntarily offered by the Provider and accepted by the Commissioner under section 74EC of the Commission Act and section 114 of the Regulatory Powers Act in relation to the matters identified by the Commissioner as described in Part 3 of this Undertaking; and
- 2.2.2 Provider's commitment to address the matters set out in Part 3 of this Undertaking.

Commencement

- 2.3 This Undertaking commences on the date that the Commissioner signs the Undertaking. Upon the Undertaking taking effect, the Undertaking becomes enforceable under section 115 of the Regulatory Powers Act.



Term of the Voluntary Enforceable Undertaking

2.4 This Undertaking continues, as varied from time to time (subject to the Commissioner's consent), from the commencement date until it is withdrawn by the Provider with the Commissioner's consent under section 114 of the Regulatory Powers Act or cancelled by the Commissioner under section 114 of the Regulatory Powers Act, whichever is earlier.

3 PROVIDER PERFORMANCE

Identified Areas for Improvement

3.1 The Commission had received a significant volume of complaints about the Provider from 1 January 2022 to 10 July 2023. The Commissioner has identified that the volume of complaints may indicate a question about compliance at an organisational level with the Provider's responsibilities under Chapter 4 of the Aged Care Act and, in particular, its compliance with the Quality Standards Six (Feedback and Complaints) and Eight (Organisational Governance); about how the Provider engages with residents, their representatives and family, and workforce in relation to complaints and issues raised more broadly; and about how it supports its workforce to carry out their role and to have a positive culture.

The Provider's Acknowledgements

3.2 We acknowledge that although individual services in Tasmania are currently compliant with Quality Standards Six (Feedback and Complaints), Seven (Human Resources) and Eight (Organisational Governance), community trust and confidence in us as an organisation remains low. We share the Commissioner's view as to the impact this may have on stakeholders and are committed to taking the improvement actions to effectively:

- 3.2.1 use our feedback and complaints system to build and maintain good relationships with consumers, our workforce and the community.
- 3.2.2 engage with our workforce to build a stronger workforce culture that supports delivery of outcomes for our consumers.
- 3.2.3 implement organisation wide systems that identifies emerging consumer and workforce risks and supports investment in continuous improvement activities.

4 UNDERTAKINGS

4.1 In accordance with the operation of section 114 of the Regulatory Powers Act and section 74EC of the Commission Act, the Provider has voluntarily offered, and the Commissioner has accepted the following Undertakings as specified and in any case by no later than the Completion Date.

4.2 The Board will review the Provider's organisational governance framework (Quality Standard 8) with respect to feedback and complaints (Quality Standard 6) and human resources (Quality Standard 7) and take steps to embed improvements, including continuous oversight and response. To support the Board's understanding of the matters to be addressed and areas for improvement, the following reviews will be carried out:

- 4.2.1 *Complaints management framework* – to ensure that our consumers are able to contribute to the improvements in care that they receive, and that our services



are responsive to consumer concerns, Southern Cross Care will complete an in-depth end to end review of the complaints management framework involving: a review of policies, documents and complaints; interviews with stakeholders; and upon an analysis of areas for improvement, to revise policies and identify any additional resources and training required.

4.2.2 *Culture audit* – Southern Cross Care aspires to become a preferred employer in the Tasmanian aged care sector. To that end, we will complete a comprehensive assessment of the current environment, behaviours, ways of working and frameworks that support effective leadership of culture including governance, strategy, and risk to produce our new workforce engagement strategy.

4.2.3 *Incident management system* –Safety and wellbeing of Southern Cross Care consumers and workforce is at the heart of our mission delivery. To ensure that safety of our workforce and consumers is sustained across our services, we will complete a detailed and extensive review of our incident management system and the operation of our process to comply with the serious incident response scheme obligations.

4.3 *Inclusive processes* –Southern Cross Care values the views of our stakeholders and has been actively seeking the views of our consumers, their families, and the community. In carrying out these reviews, we will actively seek the views of consumers to ensure that any improvements align with their expectations. The Provider will complete the reviews by 31 January 2024, develop the actions for continuous improvement by 30 April 2024 and complete the implementation of the actions by 31 July 2024.

4.4 The Provider will monitor implementation of the improvement actions and review them for effectiveness by 30 November 2024.

Submission of report to the Commission

4.5 The Provider will submit a comprehensive and detailed self-assessment of the above undertakings, to the Commission by 15 December 2024.

4.6 The Provider will demonstrate, with clear evidence, what steps the Provider has taken to give effect to each undertaking:

4.6.1 milestones reporting will be delivered bi-monthly via compliance meeting.

4.6.2 summary of the Provider's analysis of the review and the actions for continuous improvement by 30 April 2024.

4.6.3 summary of the implementation of the actions by 31 July 2024.

4.6.4 summary of the review of the implementation of the improvement actions for effectiveness and sustainability by 15 December 2024.

Costs

4.7 The Provider undertakes that it will pay all of its costs associated with its compliance with this Undertaking.



5 ACKNOWLEDGMENTS AND STATEMENTS

5.1 The Provider acknowledges that the Commissioner:

5.1.1 will publish this Undertaking on the Commission's website.

5.1.2 may make public reference, including by way of media release and/or Commission publications of the voluntary entering into of this Undertaking referring to its terms, however the terms of any media release must be consistent with this Undertaking.

5.2 The Provider acknowledges that:

5.2.1 this Undertaking has no operative force until accepted by the Commissioner, evidenced by the signing of this Undertaking by the Commissioner.

5.2.2 the date of the Undertaking is the date on which it is accepted by the Commissioner.

5.2.3 the Undertaking is given voluntarily by the Provider, who has obtained legal advice in relation to its obligations under, and the effect of, this Undertaking.

5.2.4 the Commissioner's acceptance of this Undertaking does not affect any rights, remedies, and powers available to the Commission, or the Commonwealth.

5.2.5 the Commissioner may undertake compliance monitoring activities to verify the evidence submitted and the Provider's compliance with the Undertaking.

5.2.6 the Commissioner has the power to enforce the Undertaking under section 115 of the Regulatory Powers Act and may exercise this power if any requirement or condition of the Undertaking is breached.

5.2.7 if any part of this Undertaking is held invalid that part shall be severed from this Undertaking and the remainder of this Undertaking will continue to be valid and enforceable.

5.2.8 the references to provisions of Commonwealth Acts of Parliament and Legislative Instruments in this Undertaking shall include references to those provisions as amended from time to time and in the event of a repeal of any of them, any equivalent provision from time to time.

5.3 The Provider confirms it has the operational and financial capacity to comply with the Undertaking.

6 Provision of Documents

6.1 The address for providing the Commission with any notice or document which this Undertaking requires to be provided is:

Aged Care Quality and Safety Commission
GPO Box 9819, CANBERRA ACT 2601
Attention: Peter Edwards *or*
compliance@agedcarequality.gov.au

**Executed by Southern Cross Care
(Tasmania) Inc**

ABN 18 773 507 851 in accordance with its
constitution

Fishlock

Signature of Chair

Judith Fishlock

Name of Chair
(please print)

Date accepted by the Commissioner: 19 December 2023

ACCEPTED by the **AGED CARE QUALITY
AND SAFETY COMMISSIONER** under section
74E of the Commission Act and Section 114 of
the Regulatory Powers Act

Marek

Witness

Tamryn Dianne Marek

Witness full name *(please print)*

Beyers

Signature of Director

Sonya Beyers

Name of Director
(please print)

J. M. Anderson

Aged Care Quality & Safety Commissioner