



## A fair and sensible approach to regulating 24/7 RN and care minutes responsibilities

Statement from Janet Anderson PSM, Aged Care Quality and Safety Commissioner

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In aged care, there is a clear link between the number, knowledge and skills of staff in a particular residential service, and the quality of care received by residents in that service. This is the fundamental rationale for the new workforce-related responsibilities being introduced for residential aged care services, namely, to have 24/7 Registered Nurse (RN) coverage from 1 July 2023, and to meet care minutes targets from 1 October 2023.

The Aged Care Quality and Safety Commission will adopt a fair and sensible approach to regulating providers' compliance with these new responsibilities.

We start by noting that the new 24/7 RN and care minutes responsibilities complement arrangements that providers are already required to have in place under the Aged Care Quality Standards, to ensure the delivery of safe, quality care and reduce the risk of harm to residents. It is therefore unsurprising that a proportion of aged care services are already fulfilling the new responsibilities, with some meeting them in part and others working towards that goal.

People living in aged care, and their family and friends, generally agree that having a health professional such as an RN working alongside other staff on every shift gives them greater confidence in the care being provided. It means that an RN is always available to manage and respond to clinical issues which can arise at any time, and particularly for frail older people.

At the same time, the challenges being experienced by a number of providers in attracting and retaining a suitably qualified and skilled workforce are acknowledged. The Australian Government is providing support to help providers to transition to meeting the new workforce requirements, and exemptions are also available in relation to the 24/7 RN responsibility. Providers that may be eligible for an exemption are those located in small rural towns, remote and very remote communities. Further information about eligibility and the application process is available on the Australian Government Department of Health and Aged Care [website](#).

It is understood that some non-exempt services may be concerned about the regulatory repercussions if they are unable to fulfil their new workforce-related responsibilities. It is **simply not correct** that a residential service that fails to comply could be forced to close.

When the Commission engages with a provider about their compliance with the new workforce-related responsibilities, we will consider the specific circumstances of their service and the steps they have taken and are taking to meet the requirements.

If they are non-compliant, then we will look at the provider's ongoing efforts to recruit and retain staff including RNs, and at what arrangements are in place to ensure that the needs of all residents (including their clinical care needs) are being met.

If a provider is struggling to find sufficient RNs to cover all shifts but is continuing to work on this, and is demonstrably delivering safe, quality care around the clock that is meeting residents' needs and effectively managing risks, then the Commission is very unlikely to take compliance enforcement action but will instead continue to monitor the provider's performance.

However, if a provider is placing the health, safety or wellbeing of its residents at risk and is unable to demonstrate a suitable response to non-compliance or is deliberately avoiding its obligations, then the Commission will take action to protect residents and compel the provider to fix the issues.



Where a provider chooses to downsize, close or transfer ownership of an aged care service, this will have significant implications for residents and their families (as well as staff), and can be very stressful for everyone affected. In these circumstances, the Commission monitors the service to ensure that the provider continues to meet its responsibilities to residents.

**Further information:**

Information on the 24/7 RN coverage and care minutes requirements is available on the Department of Health and Aged Care's website [here](#).

Information on the Commission's approach to regulating the new 24/7 RN coverage and care minutes requirements is available on the Commission's website [here](#).