

# Office of the Inspector-General of Aged Care's Oversight Role

January 2024

The Office of the Inspector-General of Aged Care (OIGAC) provides independent oversight of the Commonwealth's administration, regulation, and governance of the aged care system. Our oversight will drive greater accountability and transparency across the aged care system by bringing an impartial perspective to the complex systemic issues pervading the aged care system. Through our oversight role, we will create a strong catalyst for positive change, resulting in an aged care system that affords older Australians with dignity and high-quality care.

## Defining oversight

In very simple terms oversight means keeping watch – but for the OIGAC oversight encompasses so much more. For the OIGAC oversight is calling out significant and systemic issues, recommending solutions, and seeking to ensure our reports to Parliament are actioned.

Consistent with our enabling legislation, the *Inspector-General of Aged Care Act 2023* (the Act), our focus is on what Commonwealth agencies with a role in the aged care are doing and what impact their policies, procedures, delivery, regulation, and funding decisions are having on the aged care system as a whole and on aged care consumers in particular.

Our approach to oversight will have 3 dimensions: we will monitor, investigate, and publicly report. In addition, we will also engage and inform.

## Our monitoring role

To be effective we need to know what is happening across the aged care sector. Monitoring will provide us with key intelligence to bolster that knowledge. Through our monitoring program we will gather data and information from relevant government agencies, a broad range of stakeholders representing both providers and consumers of aged care services, academics, commentators, the media, and others. We will focus on:

- The actions, decisions, and performance of government bodies in the aged care system and how they relate to systemic issues in the sector.
  - Predominantly we will focus on the Department of Health and Aged Care, the Aged Care Quality and Safety Commission and the Independent Health and Aged Care Pricing Authority.
- The implementation of the Royal Commission's recommendations.
- Whether aged care laws are operating effectively as intended.
- The operation of the complaints management framework across the aged care system.
- Maintaining a watching brief across the aged care system for persistent, emerging or potential issues that could affect aged care quality.

The establishment of Memoranda of Understanding (MoUs) with key government agencies will support the routine provision of quantitative data. Where needed, we will also make ad hoc data requests. These could be supported by one of our MoUs, but would also be backed by the information gathering powers under our Act.

Information will also be gathered through cultivating strong, trust-based relationships with stakeholders. Regular stakeholder engagement, including through our own Consultative Committee,



as well as participating in a range of established aged care consultative groups, will ensure that we maintain a comprehensive and up-to-date understanding of what is happening across the sector.

However, the OIGAC is not the only party overseeing the aged care system and we will leverage the work of other bodies operating in this space. We will actively gather information from investigations and reviews undertaken by other oversight bodies, for instance the Productivity Commission and the Australian National Audit Office (ANAO). The findings and outcomes of the work done by these other bodies will provide invaluable information to enhance our understanding of the aged care system and its performance.

## **Our investigative role**

Our investigative role enables us to understand what causes and perpetuates systemic issues and identify how they can be fixed. There are two primary mechanisms through which the OIGAC will undertake an investigation: through conducting a review or through preparing a report.

### **Reviews**

Reviews are in-depth independent investigations undertaken by the OIGAC. They will focus on the most serious systemic issues in the aged care system. Issues, such as those identified by the Royal Commission, associated with inadequate funding, variable provider governance and behaviour, absence of system leadership and governance, and poor access to health care.

Potential review topics will be identified through monitoring. As there will be more topics than we have capacity to review, a prioritisation assessment tool developed by OIGAC will help the Inspector-General determine which to focus upon. The tool uses a set of criteria covering factors such as significance for aged care consumers, the materiality of its impact on the broader system, relevance to stakeholders, priority and appropriateness for OIGAC consideration. Review topics will be announced in our Annual Work Plan. The Annual Work Plan underpins everything we do: it reflects the broad activities of the Office and identifies the focus of our investigations over a financial year.

The review process is prescribed by the Act. The Act includes information gathering powers, to compel people to provide information or enable our access to premises. These powers are balanced by confidentiality and secrecy provisions and protections for those providing assistance. The Act also contains civil and criminal penalties to be applied when someone refuses to comply or gives false and misleading information.

Our reviews will include findings and where appropriate make recommendations for change. They will provide a catalyst for real change in the delivery of aged care. Through examining issues thoroughly, we will pin-point the root causes of often long-standing problems in the sector, publicly identify areas of weakness or systemic sub-optimal performance, and push for their resolution.

### **Reports**

The second element to our investigation role is the preparation of reports. The Act enables the Inspector-General to report on any matter that falls within the scope of their functions.

We will investigate and report on the Commonwealth's progress in the implementing the recommendations of the Royal Commission. The Act includes a requirement for the preparation of 2 progress reports covering the measures and actions in response to each recommendation taken by the Commonwealth before 1 January 2024 for the first report and 1 January 2025 for the second. These reports are to be provided to the Minister by 1 June 2024 and 1 June 2025 respectively.

The Act also requires the OIGAC to undertake 2 evaluations of the effectiveness of the Commonwealth's response to the Royal Commission, the first by 1 March 2026, marking 5 years since the final report. The second is due by 1 March 2031, 10 years after the final report.



Other areas that we will consider investigating as part of our reporting function include the performance of individual Commonwealth agencies, the operation of aged care law, the adequacy of aged care data, and how excellence and innovation can be promoted and supported.

Like all Commonwealth agencies we have corporate reporting obligations, including the preparation of an Annual Report and a Corporate Plan.

## **Our public reporting role**

Publicly delivering final reports is our key means for shining a light on what is happening across the aged care system and how we will press the case for change. Public reporting is central to effective oversight.

Both our reviews and reports have reporting requirements under the Act. In each case reports must be provided to the Minister and tabled in each house of the Parliament within 15 sitting days. Copies will also be published on our website, and we will promote broader awareness of them and their findings and recommendations.

The public release of our reports will hold governments, agencies and the sector to account and help improve transparency and accountability across the aged care system and drive positive change for older Australians.

## **Inform and engage**

The OIGAC is also committed to informing and engaging. We will be telling government and the community about the weaknesses and successes in the aged sector. We will share the insights we obtain through undertaking reviews and preparing reports – and highlight best practice approaches – with the aim of encouraging greater innovation and compliance in the aged care system.

Engagement is an ongoing and integral part of our work. We will continue to look for ways to expand our engagement activities to ensure we can talk to and hear from the full diversity of older people, their families, carers, providers, the aged care workforce, researchers, and their representative peak bodies.

We will build and maintain our capability to engage effectively and openly with our target audiences to inform our analyses, reviews and reports. We are committed to engaging with people from all backgrounds and needs, including First Nations people and providers, people with disabilities, people with caring responsibilities, people who identify as LGBTQIA+, people from cultural and linguistically diverse backgrounds, and people who identify as neurodivergent.

## **Contact**

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