



Corporate Governance

The Code of Conduct for Aged Care (the Code)

Source of Obligation

Registered providers have responsibilities under the Aged Care Act 2024 (Cth) (the Aged Care Act) to comply with the Code and take reasonable steps to ensure that aged care workers and governing persons comply with the Code.

Supporting the Code are several complementary requirements, set out in law which collectively are designed to ensure the provision of quality and safe care. Examples of these requirements include the:

- Strengthened Aged Care Quality Standards (the Quality Standards)
- Statement of Rights
- Serious Incident Response Scheme (SIRS)

Definitions

Term	Definition
Banning Order	A banning order is an order made by the Aged Care Quality and Safety Commission that a person cannot be involved in the provision of aged care, or provide certain care, supports and services. Banning orders may include conditions on how the person is engaged in the aged care sector.
Culturally Safe Care	Culturally safe care is care that respects cultural values, strengths and differences, and addresses racism and inequity. It is about how care is provided, rather than what care is provided.

Dignity of Risk	Dignity of risk supports a consumer's independence and self-determination to make their own choices, including to take some risks in life.
Responsible Person	A Responsible Person is: • any person who is responsible for the executive decisions of the registered provider • any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the registered provider • any person who has responsibility for overall management of the nursing services delivered by the registered provider, or overall management of the nursing services delivered at the Barunga Village • any person who is responsible for the day-to-day operations of the Barunga Village.
Scope of Practice	Scope of practice describes the procedures, actions and processes that a healthcare practitioner is permitted to undertake in keeping with the terms of their professional licence, education and competence. The scope of practice is limited to what the law allows for specific education and experience, and specific demonstrated competency.
Supported Decision-Making	The process of enabling a person who requires decision-making support to make, and/or communicate, decisions about their own life. The decision-making is supported, but the decision is theirs.

Understanding the Code of Conduct for Aged Care

The Code of Conduct for Aged Care (the Code) describes behaviours expected of registered providers, aged care workers and governing persons of registered providers. These behaviours are designed to reflect community expectations, consumer rights and existing standards and expectations for how providers should operate.

The Code is designed to reflect the requirements under the National Disability Insurance Scheme (NDIS) Code of Conduct.

It is important to note that the Code is not exhaustive; it is intended to be a high-level framework of acceptable conduct that aged care workers, registered providers and their Responsible Persons are expected to uphold.

To understand how the Code links and is reflected in our other policies and procedures, refer to [The Code of Conduct for Aged Care \(the Code\) Mapping](#).

Purpose of the Code

The purpose of the Code is to create expectations of behaviour and conduct in the provision of aged care that all consumers can expect from the people who care for them. This involves placing obligations relating to behaviour on individuals, which allows the Aged Care Quality and Safety Commission (Commission) to respond to behaviour that falls below what is expected by the Code.

Scope

The Code applies to the following persons:

- registered providers of residential and community aged care
- the Responsible Persons of registered providers
- aged care workers (including volunteers, contractors and subcontractors engaged to provide care and services to consumers)

Examples of who is covered by the Code include:

- the Board
- the Chief Executive Officer
- the Director of Operational Services
- anyone responsible for the day-to-day operations of the service including a Management
- service and facility managers including Department Managers
- those responsible for the nursing services provided by the service and who hold a recognised qualification in nursing
- allied health professionals contracted by the provider to provide care to consumers
- kitchen, laundry, garden, maintenance and office personnel employed or engaged by the provider

- support workers, personal care workers, lifestyle coordinators and care companions
- service coordinators and case managers
- consultants, trainers and advisors for regulatory support or systems improvement who are under the control of the provider
- independent contractors and subcontractors engaged by the provider (including health professionals)
- volunteers of the provider who deliver care, supports and services to consumers.

Application of the Code

The Code applies in all cases where care or services are provided to a consumer. However, these obligations do not end when a person leaves the care or service environment. The following are examples of where the Commission may have regard to the conduct of a person for the purpose of enforcing the Code:

- an aged care worker posts information about a consumer on social media
- conduct relating to new consumers trying to enter a service or engage a provider to deliver services
- conduct relating to a supporter, family member or other person involved in the consumer's care
- conduct relating to engaging with the Commission. For example, where a registered provider intentionally gives false information to the Commission or misleads them about something related to their provision of care and services.

The Code is a minimum standard that must be complied with at all times when care is being provided or decisions are being made about how the Barunga Village operates.

Each member of Barunga Village Board of Directors, the workforce (including volunteers, contractors and subcontractors engaged to provide care and services to consumers) is responsible for treating consumers with dignity and respect, responding to their complaints and feedback and ensuring they deliver safe and quality care.

Barunga Village Board of Directors, workforce and others will have other professional and governance obligations beyond the Code. In the event that a worker or other person considers that there is a conflict between their professional or governance obligations and the Code, they must inform their Department Manager and seek guidance.

The Aged Care Code of Conduct

The Code is a series of behaviour statements that the registered provider/s, aged care workers and Responsible Persons must comply with. The Code does not provide an exhaustive list of all the behaviours that are demonstrative of high-quality care.

The Code consists of eight requirements in the form of “*I must do this*” statements.

When delivering funded aged care services to consumers, I must:

- act with respect for consumers’ rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
- act in a way that treats people with dignity and respect, and values their diversity
- act with respect for the privacy of consumers
- deliver aged care services in a safe and competent manner, with care and skill
- act with integrity, honesty and transparency
- promptly take steps to raise and act on concerns about matters that may impact the quality and safety of aged care services
- deliver aged care services free from:
 - all forms of violence, discrimination, exploitation, neglect and abuse
 - sexual misconduct
- take all reasonable steps to prevent and respond to:
 - all forms of violence, discrimination, exploitation, neglect and abuse
 - sexual misconduct.

Responsibilities

Registered providers, Board of Directors members and other Responsible Persons are personally required to follow the Code. They are also obliged to ensure that Barunga Village workforce, volunteers and others providing care and services on behalf of Barunga Village comply with the Code.

For this reason, all persons working for Barunga Village must report any observed breaches of the Code to their relevant Department Manager or another responsible person to ensure that all care and services provided by Barunga Village are done in accordance with the Code.

Registered Providers

Registered providers have a responsibility to comply with the Code as well as to take reasonable steps to ensure that Barunga Village workforce, volunteers and others providing care and services on behalf of Barunga Village comply with the Code.

Registered providers should ensure:

- all relevant individuals read and understand the Code and this guidance
- all relevant individuals undergo regular training and professional development that helps them understand, apply and uphold the behaviours expected under the Code
- they have systems in place for monitoring and reviewing the performance of their staff, complaints management and incident management
- that they understand the consequences of failing to comply with the Code for the organisation and for them as individuals
- processes are in place to resolve issues where concerns are identified about their compliance with the Code. This could include training, guidance and supervision to build skills and capability.
- they take reasonable steps where any individuals do not comply with the Code to ensure those persons are supported to comply with the Code. This may involve performance management activities between a provider and an individual.

For further guidance on Registered Providers' obligations refer to [Aged Care Code of Conduct - Guidance for registered providers](#) | [Aged Care Quality and Safety Commission](#).

Board of Directors Members and Other Responsible Persons

As a Responsible Person of a registered provider, you are responsible for complying with the Code by:

- ensuring that your conduct is consistent with the Code
- directing and controlling the executive decisions and activities of the organisation to enable it to meet the provider responsibilities and conduct its operations in line with the Code
- ensuring the organisation's systems, practices and culture support compliance with the Code
- ascertaining whether the provider is complying with the Code, including knowledge about the operation and provision of care and services
- knowing when to raise concerns about behaviours and conduct that may be inconsistent with the Code.

For further guidance on the responsibilities of Responsible Persons refer to [Aged Care Code of Conduct – responsible persons and aged care worker fact sheet](#) | [Aged Care Quality and Safety Commission](#).

Barunga Village Workforce

This includes all staff, volunteers, contractors and subcontractors, and others providing care and services on behalf of Barunga Village. You are expected to:

- work and be competent within your job description (and scope of practice, where applicable)
- understand what good behaviour looks like and when conduct is not acceptable (including when it is inconsistent with the Code)
- speak with your registered provider about what behaviours are appropriate, particularly if you are not sure or need further guidance.

The Code describes behaviours expected of Barunga Village workforce, volunteers and others providing care and services on behalf of Barunga Village. These behaviours and the statements which describe them are designed to reflect community expectations, consumer rights and existing standards and expectations for how providers should operate.

Refer to [The Code of Conduct for Aged Care \(the Code\) - Behaviour and Expectations](#) where, for each requirement of the Code:

- the expected behaviours of aged care workers are detailed
- examples of behaviours that are not consistent with the Code are listed. It is expected that individuals who must comply with the Code understand, and are able to recognise, those behaviours that would not be consistent with each requirement of the Code.

Agreement to the Code

Barunga Village:

- provides a copy of the Code to Board of Directors members, our workforce, volunteers and others employed by Barunga Village who are required to abide by it
- ensures that all persons required to comply with the Code know and understand it before they commence work
- provides training on the Code to Board of Directors members, our workforce, volunteers and others engaged by the organisation. This includes as part of our orientation and ongoing

education program.

- ensures all persons required to comply with the Code agree and commit to comply with the Code prior to commencing employment at Barunga Village
- provides information about the Code on the commencement of the delivery of care and services to all consumers and/or their supporters. This is to ensure they understand what is expected of Barunga Village and our workforce.

Consequences for Breaching the Code

Board of Directors members, Responsible Persons and members of the workforce who breach the code may be subject to performance management and disciplinary actions. This could result in a range of measures (depending on the severity of the breach) including:

- remedial education
- counselling
- increased supervision
- the restriction of duties and/or delegated responsibilities
- suspension of employment and further investigation
- reporting to the relevant professional bodies (e.g. AHPRA)
- in the case of serious breaches, termination of employment, or contract or engagement. Refer to our Disciplinary and Termination policies and procedures.

While Barunga Village may take action against individual members of our workforce, the Aged Care Quality and Safety Commission is also empowered to respond to breaches of the Code by any person at any time.

Aged Care Quality and Safety Commission responses to breaches of the Code may include:

- issuing a caution letter to individuals
- infringement notices
- court injunctions compelling or prohibiting certain actions
- application to a court to impose a penalty
- issue a banning order preventing the person from working in Aged Care (in severe cases)
- suspending, revoking or not renewing the registration of the provider (in severe cases).

Related Forms and Documents

[The Code of Conduct for Aged Care \(the Code\) Mapping](#)

The Code of Conduct for Aged Care (the Code) - Behaviour and Expectations

References and Resources

Aged Care Quality and Safety Commission, Aged Care Code of Conduct – responsible persons and aged care worker fact sheet | Aged Care Quality and Safety Commission

Australian Government, Code of Conduct for Aged Care, Australian Aged Care Quality and Safety Commission

Pages in this Section

- [The Code of Conduct for Aged Care \(the Code\) Mapping](#)
- [The Code of Conduct for Aged Care \(the Code\) - Behaviour and Expectations](#)