

# Minutes

## AGED CARE GOVERNANCE COMMITTEE

**24 MARCH 2020**

*By signing these minutes I certify that they were confirmed at the Aged Care Governance Committee Meeting held on \_\_\_\_\_*

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**COUNCILLOR DAN BULL, MAYOR  
CHAIRPERSON**

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**MINUTES** of the meeting of the Aged Care Governance Committee which was held in the Embleton Room, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on **Tuesday, 24 March 2020**.

Committee Recommendations to Council are subject to adoption, or otherwise, at the following Ordinary Meeting of Council, as recorded in Minutes of that Council Meeting.

## 1. OFFICIAL OPENING

Cr Dan Bull, Mayor, declared the meeting open at 4:04pm.

### ELECTION OF CHAIRPERSON

In accordance with section 5.12 of the *Local Government Act 1995* the members of the Committee are to elect a chairperson (presiding member) from amongst themselves.

- Cr Dan Bull, Mayor, called for nominations. Cr Sally Palmer nominated Cr Dan Bull, Mayor.  
CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED  
CARRIED UNANIMOUSLY: 3/0
- Cr Dan Bull, Mayor was declared elected.

### ELECTION OF DEPUTY CHAIRPERSON

In accordance with section 5.12 of the *Local Government Act 1995* the members of the Committee may elect a deputy chairperson (presiding member) from amongst themselves.

- Cr Dan Bull, Mayor, called for nominations. Cr Sally Palmer nominated Cr Giorgia Johnson.  
CR SALLY PALMER MOVED, CR DAN BULL, MAYOR SECONDED  
CARRIED UNANIMOUSLY: 3/0
- Cr Giorgia Johnson was declared elected.

## 2. ACKNOWLEDGEMENT OF COUNTRY

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019-November 2020, the Presiding Member will deliver the Acknowledgement of Country.

### Noongar Language

*Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Whadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.*

### English Language Interpretation

*We acknowledge the Traditional Custodians of the Land, the Wadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.*

The Chairperson, Cr Dan Bull, Mayor, acknowledged the Traditional Custodians of the land, the Whadjuk people of the Noongar nation, and paid respects to Elders past, present and emerging.

### 3. ATTENDANCE

#### Members

Cr Dan Bull, Mayor	Chairperson
Cr Giorgia Johnson	
Cr Sally Palmer	

#### Officers

Mr Des Abel	Acting Chief Executive Officer
Mr David Nicholson	Director Corporate and Strategy
Mr Kelley Ambrose	Manager Strategic Projects
Ms Carol Newport	Personal Assistant

#### Invitees

Mr Cam Ansell	Managing Director, Ansell Strategic
Mr Daniel Lee	Manager - Advisory, Ansell Strategic

#### Observers

Nil.

#### 3.1 Apologies

3 Juniper representatives	
Mr Andrew Brien	Chief Executive Officer (Annual leave)

#### 3.2 Approved Leave of Absence

Nil.

### 4. DISCLOSURE OF INTEREST SUMMARY

Nil.

### 5. DELEGATED AUTHORITY BY COUNCIL

There were no items appearing in these minutes for which the Aged Care Governance Committee had been granted delegated authority by Council in accordance with section 5.23(1)(b) of the *Local Government Act 1995*; this meeting was closed to the Public.

## 6. TERMS OF REFERENCE

TERMS OF REFERENCE Aged Care Governance Committee	
<b>Purpose:</b>	<ol style="list-style-type: none"> <li>1. Council at its Meeting held on 29 October 2019 established the Aged Care Governance Committee for the purpose of making recommendations directly to Council in accordance with Regulations 16 and 17 of the <i>Local Government (Audit) Regulations 1996</i>.</li> <li>2. In addition the Committee will provide oversight into the disposition of the City's three Retirement Villages (Carramar Village; Noranda Retreat; Salisbury Retreat) and two Residential Care Facilities (Carramar Hostel; City of Bayswater Hostel).</li> </ol>
<b>Membership:</b>	<p>Membership of the Committee comprises :</p> <ul style="list-style-type: none"> <li>• 3 x City of Bayswater representatives (for parts 1 and 2 above); and</li> <li>• 3 x Juniper representatives (for part 1 only).</li> </ul> <p>The Chief Executive Officer (or representative) and the Director Corporate and Strategy are required to attend the Committee meeting but are not members.</p> <p>In accordance with section 5.11A of the <i>Local Government Act 1995</i>, all other Councillors are appointed as Deputy Members of the Aged Care Governance Committee for the term 31 October 2017 to 12 October 2019 in the following order:</p> <p>If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <ol style="list-style-type: none"> <li>i) Councillor of the same Ward as the Member of the Committee; and</li> <li>ii) Length of service</li> </ol>
<b>Meetings:</b>	<p>Committee meetings are to be in accordance with the City of Bayswater Standing Orders Local law.</p> <p>The Chairperson is responsible for the proper conduct of the Committee.</p> <p>The Committee has no delegated power or duty to implement its recommendations without approval of Council.</p>
<b>Meeting Frequency:</b>	As required - At least once per financial year.
<b>Meeting Date and Time:</b>	When suitable.
<b>Location:</b>	City of Bayswater Civic Centre.
<b>Liaison Officer:</b>	Director Corporate and Strategy or nominated officer.

## 7. CONFIRMATION OF MINUTES

**COMMITTEE RESOLUTION**

The Minutes of the Aged Care Governance Committee Meeting held on 4 June 2019 which have been distributed, be confirmed as a true and correct record.

CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMOUSLY: 3/0

## 8. REPORTS

### 8.1 Terms of Reference – Aged Care Governance Committee

<b>Responsible Branch:</b>	Strategic Projects	
<b>Responsible Directorate:</b>	Corporate and Strategy	
<b>Authority/Discretion:</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
<b>Voting Requirement:</b>	<b><i>ABSOLUTE MAJORITY REQUIRED</i></b>	
<b>Attachments:</b>	1. October 2019 (current) Terms of Reference 2. Current Terms of Reference marked with proposed amendments. 3. Proposed amendments to the Terms of Reference	
<b>Refer:</b>	Item 10.2.12: OCM 29.10.2019	

## SUMMARY

The Terms of Reference for the Aged Care Governance Committee were adopted as part of the appointment process for all of the internal committees (other than the Audit and Risk Management Committee which was considered separately) at the Ordinary Council Meeting of 29 October 2019. As part of that process, Council formed a new Aged Care Asset Divestment Committee to consider matters related to Council's strategic decision in 2018 to divest the aged care sites.

In the interests of providing further clarity on the distinction between the two aged care committees, further changes are proposed to the Terms of Reference for the Aged Care Governance Committee. These changes are consistent with, and support, the Terms of Reference for the Aged Care Asset Divestment Committee.

## MANAGEMENT COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL

**That Council adopts the updated Aged Care Governance Committee's Terms of Reference (Attachment 3).**

**CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED**

**CARRIED UNANIMOUSLY: 3/0**

## BACKGROUND

The Aged Care Governance Committee's Terms of Reference were originally drafted in context of the management agreement between the City as the governing body, and Juniper (Uniting Church Homes) as the provider for the City's aged care services. The primary objective of the Committee was the consideration of the draft capital and operating budgets for the aged care sites, as well as significant operational matters. For that reason, the Terms of Reference have provided for Juniper to be represented on the Committee.

The intention in the Terms of Reference adopted in October 2019 was for the Committee to be able to meet without Juniper when the matters were related to the City's own governance obligations although, on further review, the wording could be ambiguous when the Terms of reference for the Aged Care Asset Divestment Committee are considered.

Accordingly, further changes are proposed to the Terms of Reference of the Aged Care Governance Committee for clearer delineation of its purpose and objectives from the separate Aged Care Asset Divestment Committee.

Furthermore, the Aged Care Governance Committee has generally only been scheduled once or twice per year, however an additional meeting has been scheduled for 24 March 2020 to consider the recommendations of the City's aged care consultant, Ansell Strategic, for implementing the City's governance and risk framework for the period up until the divestment of the sites is completed. Those recommendations are the subject of a separate report, and include having more frequent Aged Care Governance Committee meetings.

An error has also been corrected in the Terms of Reference, in respect to the purpose of the Committee being related to Regulations 16 and 17 of the *Local Government (Audit) Regulations 1996*. Those regulations actually apply to the Audit and Risk Management Committee.

The role in respect to the divestment of the aged care sites has been clarified as being only for the oversight (governance) aspects, which apply to the City and to Juniper, and will continue until the disposition of the land and related assets is complete. All other divestment-related matters will continue to be considered through the separate Aged Care Asset Divestment Committee.

Accordingly, an updated version has been drafted with marked changes (**Attachment 2**) and the unmarked (proposed) version is attached (**Attachment 3**) for Council's consideration.

## EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter.

## OFFICER'S COMMENTS

The Draft Aged Care Governance Committee's Terms of Reference build upon the existing Terms of Reference and ensure they remain relevant and contemporary.

## LEGISLATIVE COMPLIANCE

Sections 5.8 – 5.11A of the *Local Government Act 1995* apply to the establishment of Committees and appointment of committee members.

In accordance with Sections 5.23 (1) (b) and 7.1B of the *Local Government Act 1995*, the Aged Care Governance Committee has not been granted Delegated Authority by Council.

## OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Option 1</b>	<b>That Council adopts the updated Aged Care Governance Committee's Terms of Reference (<b>Attachment 3</b>).</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	N/A
Service Delivery	Low	Low
Organisational Health and Safety	Low	N/A
<b>Conclusion</b>	The update to the Terms of Reference will rectify an error and clearly delineate the role of the Committee from that of the separate Aged Care Divestment Committee.	

<b>Option 2</b>	That Council adopts the updated Aged Care Governance Committee's Terms of Reference ( <b>Attachment 3</b> ) with the further amendments as follows:	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	N/A
Service Delivery	Low	Low
Organisational Health and Safety	Low	N/A
<b>Conclusion</b>	Council may wish to make additional amendments to the Aged Care Governance Committee's Terms of Reference.	

### FINANCIAL IMPLICATIONS

Not applicable.

### STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Leadership and Governance  
 Aspiration: Open, accountable and responsive service  
 Outcome L1: Accountable and good corporate governance

### CONCLUSION

The Terms of Reference for the Aged Care Governance Committee have been updated to rectify an error and provide clearer delineation between the role of the committee and that of the separate Aged Care Asset Divestment Committee.

**Attachment 1**

**Aged Care Governance Committee  
Terms of Reference  
(as adopted in October 2019)**

<b>TERMS OF REFERENCE Aged Care Governance Committee</b>	
<b>Purpose:</b>	<ol style="list-style-type: none"> <li>1. Council, at its Meeting held on 29 October 2019, established the Aged Care Governance Committee for the purpose of making recommendations directly to Council in accordance with Regulations 16 and 17 of the <i>Local Government (Audit) Regulations 1996</i>.</li> <li>2. In addition, the Committee will provide oversight into the disposition of the City's three Retirement Villages (Carramar Village; Noranda Retreat; Salisbury Retreat) and two Residential Care Facilities (Carramar Hostel and City of Bayswater Hostel).</li> </ol>
<b>Membership:</b>	<p>Membership of the Committee comprises :</p> <ul style="list-style-type: none"> <li>• 3 x City of Bayswater representatives (for parts 1 and 2 above); and</li> <li>• 3 x Juniper representatives (for part 1 only).</li> </ul> <p>The Chief Executive Officer (or representative) and the Director Corporate and Strategy are required to attend the Committee meeting but are not members.</p> <p>In accordance with section 5.11A of the <i>Local Government Act 1995</i>, all other Councillors are appointed as Deputy Members of the Aged Care Governance Committee for the term 29 October 2019 to 26 October 2021 in the following order:</p> <p>If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <ol style="list-style-type: none"> <li>i) Councillor of the same Ward as the Member of the Committee; and</li> <li>ii) Length of service</li> </ol>
<b>Meetings:</b>	<p>Committee meetings are to be in accordance with the City of Bayswater Standing Orders Local law.</p> <p>The Chairperson is responsible for the proper conduct of the Committee.</p> <p>The Committee has no delegated power or duty to implement its recommendations without approval of Council.</p>
<b>Meeting Frequency:</b>	As required - At least once per financial year.
<b>Meeting Date and Time:</b>	When suitable.
<b>Location:</b>	City of Bayswater Civic Centre.
<b>Liaison Officer:</b>	Director Corporate and Strategy or nominated officer.

Attachment 2

**Aged Care Governance Committee  
Terms of Reference  
(marked up with proposed changes)**

<b>TERMS OF REFERENCE Aged Care Governance Committee</b>	
<b>Purpose:</b>	<p>1. <del>Council, at its Meeting held on 29 October 2019, established the Aged Care Governance Committee for the purpose of making recommendations directly to Council in accordance with Regulations 16 and 17 of the Local Government (Audit) Regulations 1996.</del> Consideration of the aged care capital and operating budget and operational matters related to the City's responsibilities as the governing body and Juniper's responsibilities as the service provider.</p> <p>2. In addition, the Committee will <del>maintain</del> <del>provide</del> <del>governance</del> oversight of the aged care operations until <del>into</del> the disposition process for <del>of</del> the City's three Retirement Villages (Carramar Village; Noranda Retreat; Salisbury Retreat) and two Residential Care Facilities (Carramar Hostel; and City of Bayswater Hostel) <del>is finalised</del>.</p>
<b>Membership:</b>	<p>Membership of the Committee comprises :</p> <ul style="list-style-type: none"> <li>3 x City of Bayswater representatives (for parts 1 and 2 above); and</li> <li>3 x Juniper representatives (for parts <del>1 only</del> and 2 above, <del>other than where the matters relate to the City's responsibilities as the governing body</del>).</li> </ul> <p>The Chief Executive Officer (or representative) and the Director Corporate and Strategy are required to attend the Committee meeting but are not members.</p> <p>In accordance with section 5.11A of the <i>Local Government Act 1995</i>, all other Councillors are appointed as Deputy Members of the Aged Care Governance Committee <del>for the term 31 October 2017 to 12 October 2019 in the following order:</del></p> <p>If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <ol style="list-style-type: none"> <li>Councillor of the same Ward as the Member of the Committee; and</li> <li>Length of service.</li> </ol>
<b>Meetings:</b>	<p>Committee meetings are to be in accordance with the City of Bayswater Standing Orders Local law.</p> <p>The Chairperson is responsible for the proper conduct of the Committee.</p> <p>The Committee has no delegated power or duty to implement its recommendations without approval of Council.</p>
<b>Meeting Frequency:</b>	As required - At least <del>once</del> <del>four times</del> per financial year.
<b>Meeting Date and Time:</b>	When suitable.
<b>Location:</b>	City of Bayswater Civic Centre.
<b>Liaison Officer:</b>	Director Corporate and Strategy or nominated officer.

**Attachment 3**

**Aged Care Governance Committee  
Terms of Reference  
(Final)**

<b>TERMS OF REFERENCE Aged Care Governance Committee</b>	
<b>Purpose:</b>	<ol style="list-style-type: none"> <li>1. Consideration of the aged care capital and operating budget and operational matters related to the City's responsibilities as the governing body, and Juniper's responsibilities as the service provider.</li> <li>2. In addition, the Committee will maintain governance oversight of the aged care operations until the disposition process for the City's three Retirement Villages (Carramar Village; Noranda Retreat; Salisbury Retreat) and two Residential Care Facilities (Carramar Hostel and City of Bayswater Hostel) is finalised.</li> </ol>
<b>Membership:</b>	<p>Membership of the Committee comprises :</p> <ul style="list-style-type: none"> <li>• 3 x City of Bayswater representatives (for parts 1 and 2 above); and</li> <li>• 3 x Juniper representatives (for parts 1 and 2 above, other than where the matters relate to the City's responsibilities as the governing body).</li> </ul> <p>The Chief Executive Officer (or representative) and the Director Corporate and Strategy are required to attend the Committee meeting but are not members.</p> <p>In accordance with section 5.11A of the <i>Local Government Act 1995</i>, all other Councillors are appointed as Deputy Members of the Aged Care Governance Committee.</p> <p>If a Member is unable to attend a meeting, the order of appointment of the Deputy at that meeting will be based on:</p> <ol style="list-style-type: none"> <li>i) Councillor of the same Ward as the Member of the Committee; and</li> <li>ii) Length of service</li> </ol>
<b>Meetings:</b>	<p>Committee meetings are to be in accordance with the City of Bayswater Standing Orders Local law.</p> <p>The Chairperson is responsible for the proper conduct of the Committee.</p> <p>The Committee has no delegated power or duty to implement its recommendations without approval of Council.</p>
<b>Meeting Frequency:</b>	As required - At least four times per financial year.
<b>Meeting Date and Time:</b>	When suitable.
<b>Location:</b>	City of Bayswater Civic Centre.
<b>Liaison Officer:</b>	Director Corporate and Strategy or nominated officer.

## 8.2 Update on Aged Care Governance Framework

<b>Responsible Branch:</b>	Strategic Projects	
<b>Responsible Directorate:</b>	Corporate and Strategy	
<b>Authority/Discretion:</b>	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
<b>Voting Requirement:</b>	Simple Majority Required	
<b>Attachments:</b>	<b>Confidential Attachment</b> 1. Ansell Strategic draft report Governance Framework Implementation, 19 September 2019.	
<b>Refer:</b>	Item 10.3.5 OCM 28/8/2018 Item 10.3.5 OCM 27/11/2018 Item 10.2.3 OCM 9/4/2019 Item 10.2.1 OCM 11/6/2019 Item 10.2.1 OCM 29/10/2019	

***Confidential Attachment - in accordance with Section 5.23(2)(c) of the Local Government Act (1995) - a contract entered into, or which may be entered into, by the local government.***

### SUMMARY

The Australian Government Aged Care Quality Standards took effect in July 2019, and the City commissioned a risk governance framework for the aged care sites.

An Implementation Plan has also been commissioned to identify the specific actions and obligations for Juniper as the aged care services provider and for the City as the governing body. Further reports will be provided to Council as the actions are implemented.

### OFFICER'S RECOMMENDATION

That Council:

1. Receives the Implementation Plan for the City's aged care Governance Framework.
2. Notes that progress reports will be provided to Council as the actions are implemented.

### MANAGEMENT COMMITTEE RECOMMENDATION TO COUNCIL

That Council:

1. **Receives the Implementation Plan for the City's aged care Governance Framework.**
2. **Notes that progress reports will be provided to Council as the actions are implemented.**
3. **Notes that the City will continue to liaise with, and assist Juniper in relation to the implementation of the Governance Framework and with particular regard to the COVID-19 situation.**

**CR SALLY PALMER MOVED, CR GIORGIA JOHNSON SECONDED**

**CARRIED UNANIMOUSLY: 3/0**

### Reason for Change:

*The Committee changed the officers recommendation because it felt regard must be given to the COVID-19 situation.*

**BACKGROUND**

Following earlier workshops on the issue, Council approved at its meeting of 27 November 2018, the appointment of a specialist aged care consultant (Ansell Strategic) to conduct a strategic review of the City's aged care sites. Mertome Village was excluded as divestment negotiations for that site were in progress.

Following the commissioning of the strategic review, Council considered the options for the aged care sites, including redevelopment or divestment.

Council resolved to divest the City's remaining aged care sites which are the two residential care facilities (City of Bayswater Hostel and Carramar Hostel) and the three independent living villages (Carramar, Noranda and Salisbury) through direct negotiation with the current operator Juniper (Uniting Church Homes), primarily to provide a level of security and continuity of care for the site residents. At that meeting, Council considered that should the City be unable to negotiate an acceptable commercial agreement with Juniper, the City would proceed to a market sale process, however that would be determined after the negotiations with Juniper.

Separate negotiations are planned for the Mertome Gardens site, which is adjacent to Mertome Village.

At its meeting of 9 April 2019, Council approved further work with Ansell Strategic to develop a risk governance framework to support the disposition process for the City's aged care sites, and funding was allocated accordingly in the 2019/20 Budget.

The intention of developing the risk governance framework was to support the overall governance of the aged care sites until the divestment process was completed.

Drivers for the development of the framework were the eight Aged Care Quality Standards (ACQS) that took effect on 1 July 2019:

1. Consumer dignity and choice;
2. Ongoing assessment and planning with consumers;
3. Personal care and clinical care;
4. Services and supports for daily living;
5. Organisation's service environment;
6. Feedback and complaints;
7. Human resources; and
8. Organisational governance.

The ACQS apply to all aged care organisations that receive Commonwealth Government subsidies for residential care accommodation. Aged care organisations must be able to provide evidence of their compliance with, and performance against, the Quality Standards.

Standards 1 – 7 apply primarily to Juniper as the provider of services, however standard 8 also applies to the City as it is the 'Approved Provider' for its two residential care facilities (Carramar Village in Morley and the City of Bayswater Hostel in Embleton).

At its meeting of 11 June 2019, Council considered the draft aged care Risk Governance Framework, which considered the risks associated with management of the aged care sites under the topics of:

1. Communication;
2. Reporting;
3. Business Interruption upon Change of Management; and
4. Strategy.

Some of the observations in that report were that there should be clearer channels of communication between the City and Juniper, defined processes and guidelines for reporting and escalating issues, increased meeting frequency of the Aged Care Governance Committee and more executive level meetings between Juniper and the City.

The report for the above meeting also advised that a detailed implementation plan for the actions would be developed following adoption of the Risk Governance Framework, and a recommendation was included in the report for Ansell Strategic to be commissioned to develop the plan.

Council resolved to accept the Risk Governance Framework as well as the recommendation for developing the Implementation Plan and that was duly commissioned and received by the City in September 2019. However, it has been on hold pending the setting of a date for the Aged Care Governance Committee meeting in 2020.

The Implementation Plan is now presented for consideration by the Aged Care Governance Committee and essentially provides more clarity on the specific actions and responsibilities for the City as the facility provider, and for Juniper as the operator.

Part 1 of the Implementation Plan (Executive Summary) recites the previous work on the Risk Governance Framework. Similarly, Parts 2 and 3 recite the data and drivers for the work. Part 4 covers the outcomes of the Aged Care Royal Commission and the development of the ACQS.

Part 5 is more pertinent as it covers the recommended risk and governance responsibilities for the City and Juniper, using Standard 8 of the ACQS as the point of reference. These include:

- Involvement by the aged care consumers (the site residents) in developing and evaluating the services that they receive – in that respect, the City should ensure that there is an organisation-wide approach and that the appropriate processes and procedures are in place, with activation of those by Juniper.
- Developing and maintaining a culture of safe, inclusive and quality care – as the governing body, the City is responsible for promoting that culture and is accountable for service delivery. Juniper is responsible for ensuring that its services are aligned to that culture and the City's strategic priorities.
- Information management and access to information – the report recommends that the City develops systems and processes to ensure that stakeholders (care providers and care recipients) are able to access the requirement information relevant to that care. Juniper's responsibility is to report on the protocols for ensuring the privacy, storage and management of information.
- Continuous improvement – Juniper as the provider, is responsible for establishing and reporting on its continuous improvement plan and the City is responsible for reviewing and monitoring the appropriateness of the plan.

- Financial governance – Juniper is required to provide an annual budget and quarterly budget reviews, and the City is responsible for ensuring that appropriate and effective reporting systems and processes are in place for funding the required standard of care.
- Workforce governance – Juniper is responsible for employment and management of staff, and the City is responsible for ensuring that the governance systems and processes are in place as per the legislative requirements.
- Compliance – the City has responsibility for ensuring that services comply with the relevant legislation and industry standards and guidelines, and Juniper is responsible as the provider for reporting any compliance or reporting changes.
- Feedback and Complaints – the City has responsibility for monitoring and management of feedback and complaints and Juniper is responsible for the registering of such feedback and complaints, including actions taken.
- Risk management – the City must ensure that effective risk management systems are in place at management and operational levels, and Juniper is responsible for reporting to the City on the risk management systems and practices in place.
- Clinical care – where clinical care is provided, the City must ensure that an effective clinical governance framework is in place, and Juniper is responsible for reporting periodically to the Aged Care Governance Committee on the effectiveness of those systems.

Part 5 of the report also covers the recommended reporting channels, including the relationship between Council, the Aged Care Governance Committee, the City's administration and Juniper. This structure is effectively already in place, however the recommendations for more frequent formal contact between the City and Juniper at the operational and executive levels are noted.

Part 5 recommends that the Aged Care Governance Committee meetings are held quarterly to review and monitor the progress against the recommended risk and governance responsibilities of each party, and performance indicators have been suggested for each topic area.

Part 6 of the report sets out the specific actions. The original timeframes for these were based on work commencing in late October 2019, however there have been a number of issues which have delayed that, including the replacement of the Director Corporate and Strategy and the negotiations with Juniper on the proposed disposition.

Further reports will be provided to the Committee as these actions are implemented.

Part 7 of the report is a summary of the demographic data, which influence the aged care services, and a copy of the management agreement between the City and Juniper.

## **EXTERNAL CONSULTATION**

Ansell Strategic is a specialist aged care consultant, commissioned to develop the initial Risk Governance Framework, as well as the Implementation Plan.

The Australian Government Aged Care Quality and Safety Commission has provided guidance notes on application of the Aged Care Quality Standards. No consultation has yet occurred with the public or other agencies on this matter.

## **OFFICER'S COMMENTS**

Members were appointed to the Aged Care Asset Divestment Committee at the Ordinary Council meeting of 29 October 2019, and members were also appointed to the Aged Care Governance Committee. The Terms of Reference for both committees were adopted at the same meeting.

The Terms of Reference for the Aged Care Governance Committee provide for three Juniper representatives to be appointed to the Committee for considering the financial and operational matters.

However, the Terms of Reference also provide for matters related to divestment of the sites to be considered without Juniper representation at the meeting.

The Elected Members appointed to each committee are the same for 2020.

At its meeting of 25 February 2020, the Aged Care Asset Divestment Committee considered in General Business the Officer's recommendation for an additional meeting to be held in late March for purposes of presenting the Implementation Plan for the Governance Framework.

As the members of both committees are the same, they agreed to swap the next Aged Care Asset Divestment Committee meeting on 24 March 2020 for an Aged Care Governance Committee meeting. The change will be included in the Notice of Meetings and the normal channels.

The additional meeting is consistent with one of the recommendations in part 5 of the Implementation Plan for more frequent governance meetings.

## LEGISLATIVE COMPLIANCE

The *Local Government Act 1995* and subordinate legislation applies together with the *Retirement Villages Act 1992* (WA) and the *Aged Care Act 1997* (Commonwealth).

The *Aged Care Quality Standards* apply to all aged care organisations that receive Australian Government subsidies, and that applies to the City's two residential care facilities.

## OPTIONS

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Option 1</b>	<b>That Council:</b> <b>1. Receives the Implementation Plan for the City's aged care Governance Framework.</b> <b>2. Notes that progress reports will be provided to Council as the actions are implemented.</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	N/A
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	The Implementation Plan is the second stage of the aged care Governance Framework which has been adopted by Council. It sets out the specific actions and obligations of the City as the governing body and Juniper as the provider.	

<b>Option 2</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Receives the Implementation Plan for the City's aged care Governance Framework.</b></li> <li><b>Requests further information on the Implementation Plan in respect to:</b> <ol style="list-style-type: none"> <li>_____ ; and</li> <li>_____ ;</li> </ol> <b>before approving the Plan.</b> </li> <li><b>Notes that progress reports will be provided to Council as the actions are implemented.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	The Implementation Plan has been developed according to the principles of the Aged Care Quality Standards that took effect in July 2019, however Council may wish to receive further information on specific aspects of the City's responsibilities as the governing body, before approving the plan.	

## FINANCIAL IMPLICATIONS

Nil – the actions can be accommodated in the operational budget for salaries.

## STRATEGIC IMPLICATIONS

The earlier reports to Council provided strategic options including redevelopment or divestment and Council has resolved to pursue divestment of all remaining aged care sites. The Implementation Plan will support the City's governance obligations until the divestment process is completed.

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance  
Aspiration: Open, accountable and responsive service  
Outcome L1: Accountable and good governance

## CONCLUSION

The City is in the process of divesting the remaining aged care assets, and progress on that issue will continue to be reported through the Aged Care Asset Divestment Committee.

The additional meeting for the Aged Care Governance Committee is specifically to consider the Implementation Plan for the City's aged care Governance Framework. The Implementation Plan was developed for the City by a specialist aged care consultant and it identifies the specific responsibilities for the City as the governing body, and for Juniper as the provider of aged care services.

Implementation of the actions will be reported as they progress.

**9. PREVIOUS MATTERS DEALT WITH NOT ON THE AGENDA**

Reconciliation of matters arising from past meetings:

Nil - inaugural meeting.

**10. GENERAL BUSINESS**

**10.1 Update on Coronavirus Management at the City's Aged Care Facilities**

As Juniper was an apology, the officers advised that Juniper was following the guidelines for aged care sites as issued by the Australian Government and also advised that the CEO of Juniper had issued a COVID-19 protocol to all contractors and service agents entering the aged care sites.

The Juniper CEO will be asked to provide more specific information on the site protocols being followed.

**11. CONFIDENTIAL ITEMS**

Nil.

**12. NEXT MEETING**

The next meeting of the Aged Care Governance Committee will take place in the Embleton Room (to be confirmed), City of Bayswater Civic Centre, 61 Broun Avenue, Morley on a date to be determined.

**13. CLOSURE**

There being no further business to discuss, the Chairperson, Cr Dan Bull, Mayor declared the meeting closed at 4:42pm.