

NSW Retirement Villages Amendment Regulation 2019

Rules of Conduct for Operators
Operational 1 January 2020

Compliance Guide

Prepared as a guide to Operators by



DCM Institute
Leading from the centre

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The following checklist has been developed as a guide only to assist operators

Legislative Requirement	Evidence could include	
<p>Part 2</p> <p>5. Operators must know and understand all relevant laws</p>	<ul style="list-style-type: none"> ◆ Having access to a copy of the legislation electronically saved as a bookmark or printed and marked up with the areas most referenced is a great idea for all staff responsible for decision making functions ◆ Enrolment of all staff responsible for decision making functions in professional development that includes legislation specific information ◆ Consider reviewing a piece of the legislation at each staff meeting to ensure that all parties are aware of the obligations ◆ Engage an industry preferred lawyer to provide an update to all staff responsible for decision making functions on new legislation ◆ Offer ability for all staff responsible for decision making functions to attend legislative specific information sessions ◆ Subscribe to industry/lawyer updates of legislative reviews ◆ Obtain/bookmark government developed guiding brochures, website tools regularly 	
<p>6. Operators must have regard to the best interests of all residents</p>	<ul style="list-style-type: none"> ◆ Village Values document that outlines expectations of all staff ◆ Description of requirement in Staff handbook and included in induction ◆ Decision making guidelines policy outlining accountabilities and organisational expectations. ◆ Regular consultation with resident cohort ◆ Participation in independent survey benchmarking village alongside other villages ◆ Reports items such as incidents, feedback, complaints incorporated in management reports ◆ Management consider trends when developing organisational mission, & operating/ service models ◆ Incident, feedback, complaints trends presented to operational staff ◆ Obtain/bookmark government best practice management guides where possible 	
<p>7. Operators must exercise skill, care and diligence</p>	<ul style="list-style-type: none"> ◆ Village Values ◆ Professional development 	<ul style="list-style-type: none"> ◆ Operational audit check ◆ Processes required
<p>8. Operators must act with honesty, fairness and professionalism</p>	<ul style="list-style-type: none"> ◆ Village Values ◆ Staff handbook ◆ Induction ◆ Representations 	<ul style="list-style-type: none"> ◆ Agenda item ◆ Professional development ◆ Produce easy to understand documentation (for residents) ◆ Open to and encourage feedback
<p>9. Operators must not disclose confidential about residents or prospective residents</p>	<ul style="list-style-type: none"> ◆ Privacy Policy ◆ Staff handbook ◆ Induction ◆ Agenda item ◆ Photo release 	<ul style="list-style-type: none"> ◆ Statement when collecting information ◆ Personal information release ◆ Resident awareness of the right to privacy ◆ Secure Record management system
<p>10. Operators must prepare strategy for preventing elder abuse</p>	<ul style="list-style-type: none"> ◆ Elder abuse policy ◆ Staff handbook ◆ Induction ◆ Professional development/training attendance 	<ul style="list-style-type: none"> ◆ Record of PD & training ◆ Consultation with resident committee ◆ Agenda item on staff meeting
<p>11. Operators must provide information to external selling agents on request</p>	<ul style="list-style-type: none"> ◆ External agent Policy & Procedure ◆ Training record ◆ Agenda item on staff meeting 	<ul style="list-style-type: none"> ◆ Flow chart documenting process ◆ Standard format documentation

Legislative Requirement	Evidence could include	
12. Operators must not make false or misleading representations	<ul style="list-style-type: none"> ◆ Village Values ◆ Staff handbook ◆ Induction ◆ Representation policy & procedure ◆ Agenda item 	<ul style="list-style-type: none"> ◆ Produce easy to understand documentation ◆ Consistent messages and language in marketing, contracts and general village – organisational lexicon
13. Representations about ownership of units	<ul style="list-style-type: none"> ◆ Village Values ◆ Staff handbook 	<ul style="list-style-type: none"> ◆ Induction ◆ Representation policy & procedure
14/15. Marketing of retirement villages must include certain information	<ul style="list-style-type: none"> ◆ Marketing Policy & Procedure (advertising & collateral) ◆ Consistent messages and language in marketing, contracts and general village – organisational reference ◆ Checklist which guides required items 	
16. Operators must avoid conflicts of interests	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) ◆ Staff handbook ◆ Induction 	
17. Operators must disclose conflicts of interests	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party 	
18. Operators to manage and resolve conflict of interests	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) 	
19. Operators must not carry out functions without disclosing conflicts of interest	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) 	
20. Operators must disclose previously undisclosed conflicts of interest	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) 	
21. Operators must review policies where conflicts of interest have been undisclosed	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) 	
22. Operators must keep records of conflicts of interest	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) ◆ Maintain a Conflict of interest Register 	
23. Operators must provide residents and prospective residents with access to records of conflict of interests	<ul style="list-style-type: none"> ◆ Conflict of Interest Policy & Procedure (third party arrangements) ◆ Process which defines who is responsible for investigation and or feedback 	
24. Operators must ensure residents are encouraged to raise concerns	<ul style="list-style-type: none"> ◆ Consultation Policy & Procedure ◆ Complaint / Feedback handling Policy & Procedure ◆ Training records ◆ Agenda item at staff meetings ◆ Feedback forms readily available 	<ul style="list-style-type: none"> ◆ Range of ways to share feedback ◆ Promotion of feedback process in newsletters and resident communications ◆ Resident handbook ◆ Resident meetings/Annual meeting ◆ Annual Survey
25. Operators must not discourage residents from making complaints or pursuing internal disputes	<ul style="list-style-type: none"> ◆ Consultation Policy & Procedure ◆ Complaint handling Policy & Procedure ◆ Training records ◆ Agenda item at staff meetings ◆ Promotion of feedback process in newsletters and resident communications 	

Legislative Requirement	Evidence could include	
26. Operators must not prevent residents from consulting the Residents Committee	<ul style="list-style-type: none"> ◆ Consultation Policy & Procedure ◆ Complaint handling Policy & Procedure ◆ Training records 	<ul style="list-style-type: none"> ◆ Agenda item at staff meetings ◆ Agenda item Resident Committee meeting ◆ Promotion of Residents Association in newsletters
27. Operators must ensure complaint and internal dispute resolution processes are prepared and maintained	<ul style="list-style-type: none"> ◆ Consultation Policy & Procedure ◆ Complaint handling Policy & Procedure 	<ul style="list-style-type: none"> ◆ Complaint register ◆ Training records ◆ Agenda item at staff meetings
28. Complaint and internal dispute resolution processes must outline certain matters	<ul style="list-style-type: none"> ◆ Consultation Policy & Procedure ◆ Complaint handling Policy & Procedure 	<ul style="list-style-type: none"> ◆ Training records ◆ Agenda item at staff meetings
29. Operators must keep records of complaints and internal disputes	<ul style="list-style-type: none"> ◆ Consultation Policy & Procedure ◆ Complaint handling Policy & Procedure ◆ Complaint register ◆ Training records ◆ Agenda item at staff meetings 	<ul style="list-style-type: none"> ◆ Reports items such as incidents, feedback, complaints incorporated in management reports ◆ Management consider trends when developing organisations mission, operating models ◆ Incident, feedback, complaints trends presented to operational staff
30. Operators must prepare and implement policies and procedures for training and competencies	<ul style="list-style-type: none"> ◆ Recruitment ◆ Staff Handbook ◆ Induction 	<ul style="list-style-type: none"> ◆ Training & Professional development plan & records ◆ Staff meeting records
31. Policies and procedures for training and competencies must include certain information	<ul style="list-style-type: none"> ◆ Recruitment ◆ Job description & Key Performance Indicators ◆ Police checks ◆ Values ◆ Staff Handbook ◆ Induction 	<ul style="list-style-type: none"> ◆ Performance Review Policy ◆ Training (first aid) & Professional development plan & records ◆ Staff meeting records ◆ One on One support ◆ Delegations
32. Operators must ensure staff are trained in complaint handling and internal dispute resolution	<ul style="list-style-type: none"> ◆ Induction ◆ Training & Professional development plan & records 	<ul style="list-style-type: none"> ◆ Staff meeting records ◆ Delegations
33. Operators must ensure staff involved in internal dispute resolution receive additional training	<ul style="list-style-type: none"> ◆ Training & Professional development plan & records ◆ Staff meeting records 	
34. Operators must keep records of staff training and professional development	<ul style="list-style-type: none"> ◆ Training (first aid) & Professional development plan & records ◆ Staff meeting records 	
35. Operators must monitor staff compliance with policies and procedures	<ul style="list-style-type: none"> ◆ Staff meeting records ◆ One on One meetings ◆ Compliance Review and audit 	<ul style="list-style-type: none"> ◆ Annual Staff Performance review ◆ Staff survey ◆ Continuous Improvement Plan