



Fair
Trading

Aged Care Supported Accommodation Program (ACSAP)

PROGRAM and APPLICATION GUIDELINES

2023 – 2026

Community Grants
NSW Fair Trading
NSW Department of Customer Service
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Table of Contents

1. INTRODUCTION

- 1.1 Eligibility Criteria
- 1.2 Sub-contracting
- 1.3 Consortiums

2. RENTAL BOND BOARD GRANTS PROGRAM

3. AGED CARE SUPPORTED ACCOMMODATION SERVICE OBJECTIVES

4. TARGET GROUPS

5. PROGRAM OPERATION

- 5.1 Primary role
- 5.2 Secondary role
- 5.3 Additional functions

6. SERVICE DELIVERY STRATEGIES

7. NSW CIVIL AND ADMINISTRATIVE TRIBUNAL

8. REPORTING

- 8.1 Workplans
- 8.2 Progress reports
- 8.3 Income and expenditure reports
- 8.4 Statistical information on clients
- 8.5 Audited financial statements

9. FUNDED SERVICE CUSTOMER SATISFACTION SURVEY

10. FUNDING ARRANGEMENTS AND PAYMENTS

- 10.1 Funding Arrangements
- 10.2 Payments

11. ACCOUNTABILITY

- 11.1 General Conditions
- 11.2 Benchmarks

12. HOW TO APPLY

13. ASSESSMENT PROCESS



1. INTRODUCTION

This document provides information on the requirements for applying to provide services under the Aged Care Support Accommodation Program (ACSAP). ACSAP is administered and funded by NSW Fair Trading.

The ACSAP Program and Application Guidelines provide detailed descriptions of the operation of the program, performance standards, funding and budgetary processes and reporting requirements.

NSW Fair Trading operating within the Department of Customer Service funds eligible organisations under the Rental Bond Board Grants Program to operate an Aged Care Supported Accommodation Service. The Service is required to provide advocacy, information and education services for residents in supported accommodation across New South Wales, with particular emphasis for those people living in retirement villages.

People who live in supported accommodation such as nursing homes, hostels, boarding houses and retirement villages are more vulnerable for reasons that include old age, health, physical disabilities, lack of knowledge of their rights, responsibilities and available options to resolve disputes. It is expected that this Service will assist to improve the quality and standard of living through the provision of information, advocacy and educational programs.

1.1 Eligibility Criteria

To be eligible to apply for ACSAP funding to operate a service an organisation must

- be based in NSW and be prepared to operate the service within the regional boundaries stipulated for the relevant service;
- be an incorporated community based, not - for - profit organisation.

1.2 Sub-contracting

If any services are proposed to be sub-contracted, the organisation must supply as an attachment, details of the:

- activities and value of the work to be sub-contracted; and
- name, address, qualifications, and experience of the proposed sub-contractor(s).

If the application is successful, Fair Trading will enter into a Funding Agreement with the applicant organisation who remains responsible for:

- properly accounting for funds allocated to sub-contractors; and
- ensuring that all legal liabilities, including liabilities to clients and staff are met through sub-contracting arrangements



1.3 Consortiums

Applications may be submitted by consortiums which might include, for example, community legal centres or Aboriginal services.

If the application is submitted on behalf of a Consortium an attachment must be provided with the Application Form which sets out:

1. the name, experience, and role of all Consortium members;
2. how the Consortium will be set up including the nature of the legal relationship between the parties; and
3. how the Lead Agency (if applicable) will co-ordinate service delivery by Consortium members.

The application must also include as attachments “Letter(s) of Intent” or a “Memorandum of Understanding” showing the signed agreement of the proposed members to enter into a Consortium arrangement.

2. RENTAL BOND BOARD GRANTS PROGRAM

The Rental Bond Board was established by the *Landlord and Tenant (Rental Bonds) Act 1977* (now the *Residential Tenancies Act 2010*) to act as an independent custodian of rental bonds paid by tenants to landlords for residential tenancies. Landlords must lodge tenants’ bond money with NSW Fair Trading. Interest earned from investment of bonds is used to fund rental advisory services and other programs and projects which benefit the residential tenancy sector.

3. AGED CARE SUPPORTED ACCOMMODATION SERVICE OBJECTIVES

The objectives of the services are:

- To assist older people or prospective residents of supported accommodation to understand their rights and responsibilities under the *Retirement Villages Act 1999*, the *Residential Tenancies Act 2010* and associated Regulations and other relevant legislation;
- To assist older people in supported accommodation to enforce their rights under the legislation through the provision of information, advice and advocacy on their behalf;
- To provide advice to older people in supported accommodation on their rights and responsibilities and on what action can be taken to resolve disputes;
- To provide written materials and other documentation to assist older people in supported accommodation;
- Provision of advocacy services via telephone calls, letters or personal representation;
- Assistance with negotiation of disputes between relevant parties in supported accommodation;
- Assistance to older people in supported accommodation in the preparation of cases for Tribunal hearings;
- Representation at Tribunal hearings; and
- Community education activities.



4. TARGET GROUPS

Target groups of the Aged Care Supported Accommodation Service include older people living or intending to live in:

- retirement villages;
- nursing homes;
- boarding houses; and
- other forms of supported accommodation.

In determining service delivery strategies, the service should aim to promote access for low income, high risk and special needs population groups. This may include:

- residents whose main source of income is a pension or benefit;
- Aboriginal or Torres Strait Islanders;
- Residents from non English speaking backgrounds;
- older people in supported accommodation with physical, intellectual, sensory or psychiatric disabilities.

5. PROGRAM OPERATION

Current funding allocation for this Program is \$1,170,546 p.a. Current staffing levels for this Program are set at 3.0 fulltime equivalent positions.

5.1 Primary role

The primary role of the Aged Care Supported Accommodation Service is to provide telephone and/or face-to-face information and advice, information materials, advocacy and assistance in the preparation of materials for, and representation at Consumer, Trader and Tenancy Tribunal hearings.

The primary role includes data collection on service usage, service promotion and the development of service delivery goals and strategies related to supported accommodation and retirement village legislation advice and associated casework.

5.2 Secondary role

The secondary role is the delivery of community education activities on rights and responsibilities for older people living in supported accommodation. Community education activities include identifying relevant target groups, the preparation of relevant materials, conducting information sessions and collecting data on participation and outcomes.

5.3 Additional functions

The Aged Care Supported Accommodation Service is responsible for a range of additional functions associated with service delivery and compliance with funding requirements. These functions include financial management, administration, reporting on financial and service performance and policy related activities.



6. SERVICE DELIVERY STRATEGIES

The Service is expected to develop a range of appropriate strategies to ensure adequate service delivery. Potential strategies include:

- 1800 (freecall) numbers - this strategy is primarily relevant to non-metropolitan regions;
- additional incoming telephone lines;
- provision of answering machine;
- identifying key agencies with the capacity to provide information and appropriate referral; and
- providing information and advice via e-mail or other relevant technologies.

7. NSW CIVIL AND ADMINISTRATIVE TRIBUNAL

Assistance to older people in supported accommodation in preparing matters for, and representation at, the NSW Civil and Administrative Tribunal (the Tribunal) are important components of this service.

Assisting clients to prepare their cases may include the completion of relevant forms, preparing statements, documenting evidence and explaining the processes of the Tribunal. It is expected that this assistance will be provided in a timely fashion so that matters can be resolved promptly by the Tribunal.

Representation may include participating in pre-hearing conciliation, assisting older people in supported accommodation to give evidence and presenting arguments and submissions, where permitted to do so by the Tribunal.

While the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013* provides for self-representation, the Tribunal may permit representation in certain circumstances.

In assessing the appropriateness of applying to the Tribunal for permission to represent older people in supported accommodation on the basis that they may be placed at a disadvantage if not represented, consideration should be given to the capacity of the client to present their case. A number of factors may be relevant in this context including language barriers and severe health problems.



8. REPORTING

The Aged Care Supported Accommodation Service is required to comply with the reporting measures outlined in this section and in the funding agreements.

8.1 Workplans

Workplans set out the means by which the program objectives will be met for the forthcoming year. Work plans must set out:

- the specific goals of the service, based on the Program Guidelines, data on older people in supported accommodation needs and previous service usage patterns; and
- service targets and service delivery strategies demonstrating appropriate implementation of the Program Guidelines.

Work plans and budgets must be submitted annually during the funding triennium, and will cover the financial year 1 July to 30 June. Work plans and budgets are submitted June of each year.

8.2 Progress reports

Progress reports outline how service delivery goals and strategies have been implemented and their results. Progress reports must address:

- the outcomes achieved against the goals set in work plans;
- the extent to which goals have been met;
- changes to service delivery or service management aimed at improved performance;
- qualitative information on recent casework issues and trends; and
- examples of key case summaries describing the issue, the action taken by the service and the outcome for the client.

During the triennium progress reports are submitted every six months by the end of the first week of February and August relating to the preceding six month reporting period – July – December, and January-June respectively.

NSW Fair Trading may issue a recommended or required format for work plans and six monthly progress reports.

8.3 Income and expenditure reports

Income and expenditure reports are prepared on an accrual basis and summarise the financial transactions of the preceding six months.

Income and expenditure reports are submitted by the end of the first week of February and August relating to the preceding six month reporting period – July-December and January-June respectively.

If the organisation provides the discrete audited financial statements within four months of the end of the financial year, the organisation is not required to provide a financial statement of income and expenditure for the period from 1 January to 30 June in the current year.



8.4 Statistical information on clients

Statistical information on clients relating to the preceding six month reporting period is to be submitted for July-December and January-June respectively with the progress reports.

8.5 Audited financial statements

Audited statements for the previous financial year must be submitted by 31 October each year, with the exception of corporations, which must submit statements by 30 November each year.

9. FUNDED SERVICE CUSTOMER SATISFACTION SURVEY

During the funded period the organisation may be required to participate in a satisfaction survey that is conducted by Fair Trading each year. The satisfaction survey is commissioned to an independent organisation that conducts a telephone survey of clients who have agreed to participate in the survey. The client information is generally collected over a three week period and the survey is generally conducted in June.

Fair Trading will provide the organisation with information about the survey up to twelve weeks prior to its commencement. Information will include:

- (a) A standard script to be used in the collection of client's contact details and consent to participate in the survey;
- (b) The specified number of client contacts to be provided by the Service to the Office of Fair Trading; and
- (c) when client's details must be provided to the Office of Fair Trading.

Clients' participation in the survey is purely voluntary. The organisation and Fair Trading do not get to see clients' responses and all details are kept strictly confidential. Once the survey is completed, all records are destroyed. The results identify whether the objectives of the Program are being met or an alternative approach is required.

10. FUNDING ARRANGEMENTS AND PAYMENTS

10.1 Funding Arrangements

The organisation will be informed of the funding arrangements in writing and be provided with two copies of a funding agreement, one copy of which must be signed and returned. Only when the organisation and Commissioner have both signed and one copy has been returned to Fair Trading, will the first payment be made.

The funding agreement sets out the mutual obligations of the parties. Failure to meet the provisions of the funding agreement may lead to withdrawal of the grant in accordance with the relevant clauses of the agreement.

The Guidelines form part of the funding agreement entered into between the organisation and the Commissioner. A breach of these Program Guidelines will be a breach of the Funding Agreement and be subject to the breach provisions of the funding agreement.



10.2 Payments

Funding payments will be made twice per year during the funding period subject to submission of satisfactory performance reporting against the requirements of these Guidelines and the Funding Agreement.

All payments are made via electronic funds transfer.

If at any time during the grant period an organisation has not spent any part of the grant:

- the unspent amount will not automatically roll over into the next financial year period;
- the organisation must provide a detailed report on any unspent money at the end of the financial year period to the Community Grants Branch;
- the next grant instalment may be reduced by up to the unspent amount if the report provided is not satisfactory; or
- an amount up to the unspent amount may be required to be repaid. The required amount must be repaid within 21 days of repayment being sought.

11. ACCOUNTABILITY

11.1 General Conditions

NSW Fair Trading is responsible for ensuring that government funds are appropriately accounted for, both in terms of effectiveness of outcome and financial management. Therefore, any individual or organisation receiving a grant will be required to accept certain conditions generally related to how the money should be spent and how the grant recipient will report.

Failure to continue to meet the program's eligibility criteria or to meet any aspect of the funding agreement or financial accountability requirements may lead to withdrawal of the grant. In such cases, the funded body will be advised and consulted prior to any action being taken. No further funding will be provided.

The major requirements within the funding agreement are summarised below.



The organisation receiving the grant will be expected to:

- ensure that the grant is used only for the purpose approved and is not transferred from one organisation to another or one project to another;
- accept that if the grant amount falls short of actual financial commitments there is no obligation on the part of the Board to provide further grants;
- apply any interest earned from investments of the grant allocation, to the project for which the funds were initially approved;
- indemnify the Minister, State of NSW, Commissioner and Fair Trading staff and the Rental Bond Board against all suits, claims and expenses arising out of the conduct of the grantee's business;
- be aware of and comply with all relevant Commonwealth, State and Local Government legislation and requirements;
- keep accurate and complete accounts in accordance with the applicable legislation and accounting standards;
- provide reports and a financial statement;
- if requested, make available records, books of accounts and documents relating to the grant to a representative of Fair Trading;
- consult with Fair Trading prior to finalising educational materials;
- acknowledge the support of Fair Trading / the Rental Bond Board in publications/reports and seminars; and
- as a general rule, be aware that copyright on all printed, computer based or audio visual material associated with the project/service will be the property of Fair Trading/Rental Bond Board.

11.2 Benchmarks

As part of its ongoing performance-based funding model, Fair Trading has begun to implement a benchmark system to validate key aspects of the performance information it receives from service providers and improve assessment of service performance and client demand.

During the 2023–2026 triennium, these benchmarks will be refined in consultation with service providers to define key data fields/metrics. Reporting templates will be reviewed and updated to capture these benchmarks.

Benchmarks established via consultation between the provider and NSW Fair Trading will form part of the Program Guidelines and the related funding agreement.

12. HOW TO APPLY

Please email Community Grants at: grants@customerservice.nsw.gov.au to receive an application package. Or visit NSW Government Grants and Fund Finder via <https://www.nsw.gov.au/grants-and-funding>.



13. ASSESSMENT PROCESS

Applications will be assessed and ranked on the basis of them meeting the Eligibility Criteria, their fulfilment of the requirements of this document and compliance with the ranked Selection Criteria.

Applications will be assessed against the eligibility criteria which outline the minimum requirements an applicant must meet to be eligible for funding. Applicants who meet the eligibility criteria will then be assessed against the assessment criteria and comparatively against other applicants considering the consistency of the proposal with program objectives and the capability, experience, and skills of the applicants.

The process for the receipt and assessment of grant applications can be summarised as follows:

- **Eligibility Cull** - Grant applications will be assessed against the eligibility criteria. Ineligible applications will not proceed in the assessment process.
- **Assessment against assessment criteria** - An Application Assessment Team will assess the applications against the assessment criteria, and document their decisions, including reasons for decisions.
- **Recommendation** - The Application Assessment Team will make recommendations to the Grants Assessment Committee. The Committee will review, and where appropriate, ratify the recommendations of the Application Assessment Team.
- **Decision-making** - The Grants Assessment Committee will submit its recommendations for the consideration and approval of the Minister. If approved, successful applicants will be informed in writing and the decisions published on NSW Fair Trading's website and NSW Government Grants and Fund Finder via <https://www.nsw.gov.au/grants-and-funding>.



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