

The draft Charter of Aged Care Rights

Overview

The draft Charter of Aged Care Rights Consultation Paper outlines the basis for developing a single Charter of Aged Care Rights and how the draft Charter has been developed to date. As noted in the Paper, the draft Charter is aimed at stimulating feedback from this consultation. Changes to the draft Charter will be made in consideration of the feedback we receive.

Why we are consulting

The Charter will provide protection for the rights of aged care consumers. It is important that all people receiving care, their family, friends and carers, and aged care providers and their staff have a broad understanding of the rights of people receiving aged care. It is also important that everyone has the opportunity to provide input to a new single Charter.

The Department of Health invites your comments on this consultation paper.

With your consent, your comments will be made publicly available.

Thank you for your interest and we look forward to receiving your comments.

Tell us about you

1 What is your name? (Optional)

Gabriele Rukas

2 What is your email address?

grukas@eccv.org.au

3 Are you providing comments on behalf of an organisation? If so, please provide your organisation's name.

Ethnic Communities' Council of Victoria

4 Do you give consent for your submission to be published in whole or in part?

Single choice radio buttons

Yes

5 Do you give consent for your name to be published?

Yes

6 What role best describes you? Please select all that apply.

Peak body

7 Where do you live, or where does your organisation operate? Please select all that apply.

VIC

8 What is your location, or the location where your organisation operates? Please select all that apply.

Metropolitan

Regional

Rural / Remote

9 If you are a consumer, do you identify with any of the following groups?

Please select all that apply

N/A

10 If you are commenting on behalf of an organisation, does your organisation provide support or services to any of the following groups? Please select all that apply.

People from culturally and linguistically diverse (CALD) backgrounds

11 If you are an aged care service provider, please select all the types of care your service delivers.

Please select all that apply

N/A

About the draft Charter

Consumers have indicated in early consultations that the draft Charter should only focus on rights. As a result, a preamble to the draft Charter has been included that clearly sets out the responsibilities of all people in the aged care system in regard to respect and consideration toward others.

Consumers and providers will be supported to understand and implement the new Charter when released, including the translation of the Charter into various languages.

The intent of the rights

a) I have the right to receive safe and high quality care and services

Consumers have the right to receive safe and high quality care and services. Providers need to understand and respond appropriately to consumers' needs; ensure consumers understand the care and services they are to receive; and deliver services with professional skill and competence.

b) I have the right to be treated with dignity and respect and to have my individuality valued

Being treated with dignity and respect means recognising consumers' strengths and empowering them to maintain their independence, and communicating respectfully. It also means understanding the life that the consumer has lived, the life they want to live and who they are, and having the consumers' best interests at heart, while being respectful of their personal choices.

c) I have the right to have my identity, culture and diversity valued and supported

Respect is valued and shown for consumers' beliefs, values, personal characteristics, culture and diversity.

d) I have the right to maintain my independence

Consumers are supported to explore additional services (including technology) that can allow them to continue to have a meaningful life and be independent as they age. Consumers are also supported to participate in ongoing assessment and planning, and to continue to make decisions about, their own care and services.

e) I have the right to live without abuse and neglect

The provider's workforce is kind and caring and respectful of each consumer such that consumers feel emotionally and physically safe and secure in their care environment.

f) I have the right to be informed about my care in a way that meets my needs, have access to information about my rights, care, accommodation and anything else that relates to me personally, and get the information I need in a timely way

Consumers receive open, relevant and timely information about their care and services. Providers ensure consumers understand the information provided to them. Providers need to be alert to signs of confusion or misunderstanding. Information should be provided in a format that the consumer understands. This may require making arrangements to meet language or communication needs.

g) I have the right to maintain control over, and continue to make decisions about, my care and personal and social life

Consumers are supported to maintain control and make decisions, including to: take risks to live the best life they can; choose who to have relationships with; enjoy social engagements outside the service; and express their views in matters affecting them. Consumers can say no or change their mind at any time.

h) I have the right to be listened to and understood

Taking the time to listen to, understand and acknowledge what the consumer is saying helps consumers to feel heard. This may require different methods of communication to be used.

i) I have the right to choose to have another person speak on my behalf

Consumers can choose someone else, or a number of different people to speak on their behalf and represent their interests, especially in formal situations or when the consumer doesn't feel confident or able to speak up.

j) I have the right to complain, and to have my complaints dealt with fairly and promptly
Consumers should be able to provide feedback on or complain about their care and services without retribution. Consumers should be supported to articulate their concerns as feedback and complaints can help improve services. Consumers should be informed about different options for raising concerns if they are not comfortable doing so with the provider. Providers need to respond to concerns attentively and efficiently.

k) I have the right to exercise my rights without it adversely affecting the way I am treated
Consumers feel supported to use their rights, and raise issues about their rights freely without judgement, disapproval, criticism, being taken advantage of, or pressured.

l) I have the right to personal privacy and to have my personal information kept confidential
Personal and health information is kept secret and hard copy documents are securely stored. The workforce shows respect for consumers and does not discuss consumers in front of others without permission of the consumer.

General comments about the draft Charter

Draft Charter – Preamble

The Australian Charter of Aged Care Rights (the Charter) helps to create a shared understanding about the rights of people receiving Commonwealth subsidised aged care. Having a shared understanding between people receiving care, their family, friends and carers, and aged care providers and their staff, helps everyone work together to achieve safe and high quality aged care.

The rights described in this Charter sit alongside other laws that inform the delivery and quality of aged care, for example the broader *Aged Care Act 1997*, the consumer outcomes in the new Aged Care Quality Standards, and rights under the Australian Consumer Law and anti-discrimination law.

The Charter helps people receiving care understand how their aged care provider will work with them. It also helps people receiving care understand how they will engage with others involved in their aged care service – so that they can enjoy the same rights. Sometimes aged care providers may have to balance competing rights. Providers will work to resolve these situations sensitively through consultation and with the spirit of the Charter in mind.

Draft Charter of Aged Care Rights

I have the right to:

- a) receive safe and high quality care and services
- b) be treated with dignity and respect and to have my individuality valued

- c) have my identity, culture and diversity valued and supported
- d) maintain my independence
- e) live without abuse and neglect
- f) be informed about my care in a way that meets my needs, have access to information about my rights, care, accommodation and anything else that relates to me personally, and get the information I need in a timely way
- g) maintain control over, and continue to make decisions about, my care and personal and social life
- h) be listened to and understood
- i) choose to have another person speak on my behalf
- j) complain, and to have my complaints dealt with fairly and promptly
- k) exercise my rights without it adversely affecting the way I am treated
- l) personal privacy and to have my personal information kept confidential

The Department seeks your comments on the draft Charter. We are particularly interested in your comments on the following:

12 Does the Charter cover what you think is important?

Yes

13 Does the introduction/preamble require clarification or any further information?

No

14 Should the Charter be phrased in the first person, 'I have the right to' or 'you have the right to'? Please select only one item

I have the right to

15 Are the rights in the draft Charter easy to understand?

No

If no, please suggest alternative wording

f) access information about my rights, care, accommodation and anything else that relates to me personally, and get timely information I need in language and format that meets my needs

16 Would you add any additional rights to the Charter?

Yes

If so, please provide details

m) holistic assessment of my needs and circumstances.

17 Would you remove any rights from the draft Charter? (Please select all that apply)

N/A

18 Would you change any rights in the draft Charter?

Yes

If yes, please specify which right and your suggested changes

The current structure of sentences can be perceived as patronising, aimed at a passive instead of proactive receiver of services. Instead we suggest:

I have the right to:

a) express myself and be understood (*first right*)

b) safe and high quality care and services

c) live in dignity, respect and practice my individuality

d) maintain my identity, culture and diversity

e) maintain my independence

f) life without abuse and neglect

g) access information about my rights, care, accommodation and anything else that relates to me personally, and receive information I need in language and format that meets my needs

h) have control over, and make decisions about my care, personal, and social life

i) choose to have another person speak on my behalf

j) complain, and to have my complaints dealt with fairly and promptly

k) exercise my rights without it adversely affecting my services experience

l) personal privacy and confidentiality of my personal information

Your final say

Providers are currently required to act in accordance with the Charters and to give consumers information about their rights and responsibilities. This includes:

- informing consumers about their rights before they enter care, and
- assisting consumers to understand this information.

It may also include:

- displaying the Charter in the aged care service, and
- including the Charter in the consumer's care agreement.

19 How else could consumers be made aware of their rights under a single Charter?

- **Create multilingual audio-visual resources to help clients to understand the charter content;**
- **The Charter should be translated into a number of languages as a part of the individual's support plan, including seniors from new and emerging communities (refer to the attachment Emerging Ageing Project Report).**

20 Do you have any other comments?

- **The client's ability and progress in self-advocacy should continue to be included and monitored through provider's *client outcomes* reporting.**
- **ECCV would like to reinforce that the Australian Government strengthens its focus on individual rights in the context of collective cultural groups, such as Social Support Groups and ethnic seniors citizens clubs (refer to the attachment Ethnic Seniors' Clubs and Groups Discussion Paper).**
- **It is crucial to inform clients receiving aged care services of Consumer Responsibilities alongside their rights.**

Please attach a copy of any documents you wish to include to this printout.

Please refer to ECCV's:

- **Emerging Ageing Project Report**
- **Ethnic Seniors' Clubs and Groups Discussion Paper**