



Australian Government

Department of Health
and Aged Care



Australian Government

Aged Care Quality and Safety Commission



Charter of Aged Care Rights

This booklet explains your rights and responsibilities as a person who uses aged care.

The Charter of Aged Care Rights describes your rights as a consumer of Australian Government funded aged care services

The Charter of Aged Care Rights is made under the *Aged Care Act 1997*.

The Charter of Aged Care Rights provides the same rights to all consumers, regardless of the type of Australian Government funded aged care and services they receive.

Charter of Aged Care Rights

I have the right to:

- 1.** safe and high quality care and services;
- 2.** be treated with dignity and respect;
- 3.** have my identity, culture and diversity valued and supported;
- 4.** live without abuse and neglect;
- 5.** be informed about my care and services in a way I understand;
- 6.** access all information about myself, including information about my rights, care and services;
- 7.** have control over and make choices about my care, and personal and social life, including where the choices involve personal risk;
- 8.** have control over, and make decisions about, the personal aspects of my daily life, financial affairs and possessions;
- 9.** my independence;
- 10.** be listened to and understood;
- 11.** have a person of my choice, including an aged care advocate, support me or speak on my behalf;
- 12.** complain free from reprisal, and to have my complaints dealt with fairly and promptly;
- 13.** personal privacy and to have my personal information protected;
- 14.** exercise my rights without it adversely affecting the way I am treated.

Everybody involved in the delivery of your care must respect your rights.

Your aged care rights co-exist with other rights

People receiving aged care have the same legal rights as all Australians. When you start receiving aged care, you retain the same rights as everyone else in the community. For example, you have rights to privacy, consumer rights and the right to be free from discrimination under relevant laws.

The rights described in the Charter add to these.

Aged care providers must help you to understand your rights

As an aged care consumer, your provider is legally required to help you to understand your rights under the Charter.

A copy of the Charter must be given to you before or when you start receiving aged care. Your provider is required to sign the Charter and to also give you the option of signing it. This is in addition to your aged care agreement.

By signing the Charter, you acknowledge you have received it, been assisted to understand it and understand your rights. You don't have to sign the Charter: you can begin or continue to receive care and services even if you do not sign it.

Your provider is required to give you either an original or a copy of the Charter that has been signed. Both you and your provider should keep a copy.

It is a good idea to share this information with your family, supporters or others involved in your care.

These rights apply in residential care, home care and other aged care services provided in the community

All providers of Australian Government funded aged care must comply with the Charter. This includes providers of residential care, home care, flexible care, and services provided under the Commonwealth Home Support Programme and the National Aboriginal and Torres Strait Islander Flexible Aged Care Program.

Aged care services from multiple providers

If you receive services from more than one provider, each must comply with the Charter and respect your rights. Each provider must sign the Charter, help you to understand it and give you the option of signing it.

Case Study

Winni is receiving Commonwealth Home Support Programme services from three different service providers: one for home cleaning, one for twice-yearly gutter cleaning and a third for community transport services. Each provider will sign the Charter, offer it to Winni to sign and give her a copy.





Your aged care provider may engage contractors or other people to help deliver your care and services

People from organisations other than your aged care provider may be involved in delivering your aged care services.

Many aged care providers use contractors to deliver aged care services or subcontracted services through other organisations.

Everybody involved in the delivery of your care must respect your rights.

Case Study

Lei is receiving aged care services through the Commonwealth Home Support Programme. These services include help with maintaining the garden and cleaning the house. The aged care provider, Home Care Deluxe, engages another organisation, Kim's Mowing, to look after Lei's garden. All staff from Kim's Mowing must respect Lei's rights.

You should expect to feel safe, always

You have a right to live without abuse and neglect. You should feel safe, whether you are receiving residential aged care, services in your own home, or other aged care services in the community.

If you are concerned about the way your aged care provider or the people who provide your care are behaving towards you, or you are made to feel unsafe, it is important to speak up. Tell someone about it so action can be taken to protect you and other people.

If you feel comfortable to do so, you can talk directly with your aged care provider. This can be a good way to resolve issues quickly. If you don't feel comfortable to raise it yourself, there is help (see below).

You should expect the care and services you get to be safe, and you should feel able to share any concerns with your aged care provider.

In relation to the care and services provided, your aged care provider must take all reasonable steps to prevent and respond to all forms of violence, exploitation, discrimination, neglect and abuse.

Case Study

Jarra lives in a residential aged care service. Sometimes another resident in the aged care service shows aggressive and unpredictable behaviour that frightens Jarra. Jarra's family was concerned and spoke with the aged care provider, who worked with Jarra, the family and the other resident to find ways to make them feel safe and comfortable.



If you are concerned that your rights are not being met, you can get help

If you have concerns about the care you or someone else is receiving, it is important that you talk about it. You should talk to your aged care provider first.

Making a complaint is not being difficult. Just as positive feedback can reinforce things that work well, your complaints help improve care and services. You have the right to raise concerns easily and without fear of how you will be treated.

All aged care providers must have their own complaints systems and manage complaints fairly.

Your complaints should be taken seriously and handled fairly and in a timely way. It is your aged care provider's responsibility to act promptly on matters related to the quality or safety of your care and services.

But if you feel uncomfortable talking to your aged care provider, or would like help understanding your rights, services are available to help you.

You have the right to an aged care advocate

An advocate can help you explore options and make informed decisions. They can also help you to raise your concerns, make a complaint and work towards resolving them.

Are you concerned about, or do you need assistance in, any of the following areas?

- Aged care provider services or fees
- Assistance with visits or services
- Accessing or getting the most from your services
- Guardianship advice
- Concern that you may not be treated respectfully, fairly, or appropriately.

If your answer is yes or you simply want advice regarding your government-funded aged care services, visit the Older Persons Advocacy Network website **opan.com.au** or call **1800 700 600** (free call). These services are free and confidential, and OPAN is independent of providers.

Contact the Aged Care Quality and Safety Commission

The Commission's job is to protect the rights and interests of people who use Commonwealth-funded aged care services. It can help you to resolve a complaint about an aged care provider.

- Call the Commission on **1800 951 822** (free call)
- Email **info@agedcarequality.gov.au**
- Visit the website **agedcarequality.gov.au**

As an aged care consumer you have responsibilities

All people involved in aged care – consumers, their families, carers, visitors and the aged care workforce – must respect and be considerate of each other.

You should be mindful of the effect of your behaviour on others, always keeping their rights in mind.

At times, your rights may compete with the rights of other consumers, family members or staff. When this occurs, the consumer and the service provider need to communicate openly and honestly about these competing rights and work together to come to a solution.

Case Study

Alex is living in a residential aged care service with many other residents. Alex uses a mobility scooter within the service. However, driving it inside the service has created a hazard for other residents. The provider has worked with Alex to come to an agreement that the scooter will be used outdoors and a walking frame inside the service.



Good communication between you, your family, friends, carers and staff can help your aged care provider to give you the care and services that best meet your needs.

As an aged care consumer, you should give your aged care provider the information they need to properly deliver your care and services. You should understand and comply with the conditions of your care agreement and pay any fees outlined in the agreement.

You should respect the rights of aged care workers to work in a safe environment. Any kind of violence, harassment or abuse towards staff or others is not acceptable.

Quality aged care outcomes are best achieved in an environment of mutual respect.

Case Study

Ashwany is receiving aged care services at home. Bobbi from Brighton Aged Care Services comes to Ashwany's house at 9am every day to help with showering. Ashwany has a doctor's appointment scheduled for 9am next Tuesday. Ashwany has a responsibility to call Brighton Aged Care Services and ask if Bobbi can come at a different time or to cancel services that day.



My responsibilities

Respect

Treat others with respect

Safe environment

Respect the rights of staff to work in a safe environment

Information

Assist your provider by giving relevant information

Fees

Pay agreed fees on time

What this means

All people involved in aged care, including consumers, their family, carers and visitors are expected to be respectful and considerate. They should make sure that their behaviour does not adversely affect others.

Any kind of violence, harassment or abuse towards staff or others is not acceptable.

You are expected to maintain a safe environment for staff members and others. For example, if your provider is delivering services in your home, keep pets away from staff members and do not smoke near staff.

It is important that you share information about yourself that will help providers deliver you safe and quality care.

This may include:

- Up to date information, and
- any problems you have with the provider's care or services.

You are expected to pay any agreed fees on time. If you are unable to pay your fees, talk to your provider to find a solution.

These responsibilities describe expectations of you as an aged care consumer. If you would like information on your legal obligations, talk to your provider.

**You and your aged care provider
should have reasonable expectations
of each other**



Your expectations of your aged care provider should be reasonable.

You should discuss your needs, goals, preferences and priorities with your aged care provider. Your aged care provider will work with you on how you can get the care and services you need within the resources available.

Case Study

Nic has a Level 2 Home Care Package and gets help with grocery shopping, cleaning and to change a wound dressing from Real Home Support. Nic has asked about some help making meals, but this is not within the current Home Care Package budget. Real Home Support has helped Nic to understand his priorities and what can be provided within his package. They have worked together to revise his care plan to include preparation of meals and limited the cleaning service to enable Nic's priorities to be met within the existing budget.



Aged care providers also have other responsibilities

Australian Government funded aged care providers also have other legal responsibilities. These include responsibilities around the fees they charge you and that the care and services they deliver meet the **Aged Care Quality Standards**.

The eight Standards, each relating to an aspect of aged care or services, are:



Standard 1

Consumer dignity and choice



Standard 2

Ongoing assessment and planning with consumers



Standard 3

Personal care and clinical care



Standard 4

Services and supports for daily living



Standard 5

Organisation's service environment



Standard 6

Feedback and complaints



Standard 7

Human resources



Standard 8

Organisational governance



Aged care providers must also adhere to a Code of Conduct for Aged Care (the Code)

The Code started on 1 December 2022 and supports approved aged care providers to deliver safe and quality care to older people.

The Code describes the behaviour expected of providers, their governing persons (such as board members and Chief Executive Officers) and aged care workers. It applies to all people providing aged care services including providers, contractors and volunteers. It describes how they must behave and treat you.



Code of Conduct for Aged Care

When providing care, supports and services to people, aged care providers, their workers and governing persons, must:

- a) act with respect for people's rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions; and
- b) act in a way that treats people with dignity and respect, and values their diversity; and
- c) act with respect for the privacy of people; and
- d) provide care, supports and services in a safe and competent manner, with care and skill; and
- e) act with integrity, honesty and transparency; and
- f) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of care, supports and services; and
- g) provide care, supports and services free from:
 - i. all forms of violence, discrimination, exploitation, neglect and abuse; and
 - ii. sexual misconduct; and
- h) take all reasonable steps to prevent and respond to:
 - i. all forms of violence, discrimination, exploitation, neglect and abuse; and
 - ii. sexual misconduct.



If you have concerns about the care you are receiving

- Talk to your aged care provider, in the first instance
- Visit the Older Persons Advocacy Network website **opan.com.au** or call **1800 700 600** (free call)
- Contact the Aged Care Quality and Safety Commission on **1800 951 822** (free call).

If you need an interpreter

- Advise the aged care advocate or the Commission when you call, or call the Translating and Interpreting Service directly on **131 450** and ask them to transfer you.

If you are hearing or speech impaired

You may wish to make contact through the National Relay Service:

- TTY users: phone **1800 555 677** (free call)
- Speak and Listen users: phone **1800 555 727** (free call)
- Internet relay users: connect to the National Relay Service and enter the phone number for the advocacy line or the Commission.

If you are deaf, deafblind, or hard of hearing, you can also access My Aged Care via **Deaf Connect - deafconnect.org.au**.

They can provide in-person sign language interpreting and Video Remote Interpreting services.



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For more information on your rights

You can:

- Talk to your aged care provider
- Visit the Older Persons Advocacy Network website **opan.com.au** or call **1800 700 600** (free call)
- Visit the Department of Health website **agedcare.health.gov.au**
- Visit the Aged Care Quality and Safety Commission website **agedcarequality.gov.au**
- Visit the My Aged Care website **myagedcare.gov.au**



Phone

1800 951 822 (free call)



Email

info@agedcarequality.gov.au



Web

agedcarequality.gov.au



Write

Aged Care Quality and Safety Commission
GPO Box 9819, In Your Capital City