

aras



aged rights advocacy service inc.

Your Life Your Care Your Rights



A guide to rights and
responsibilities for users
of community care services



About this booklet

*The Charter of Rights and Responsibilities for Community Care*¹ is a statement of consumer rights and responsibilities for older people and their carers who use community-based aged care services.

Aged Rights Advocacy Service (ARAS) has prepared this booklet to assist you to clarify and uphold your consumer rights and fulfil your responsibilities.

Each section contains a list of questions that you can consider asking your current or potential service provider.

Asking questions will ensure that you are involved in the decisions that are made about your care and will help you to obtain more information about your rights and responsibilities.

ARAS provides free, independent and confidential information and assistance to users of aged care services.

You and/or your representative can speak directly to an ARAS advocate. There is no need for a referral.

¹ Aged Care Act 1997, Schedule 2 User Rights Principles



Your Rights

General

- To be treated and accepted as an individual and to have your individual preferences respected
- To be treated with dignity, with your privacy respected
- To receive care that is respectful of you, your family and home
- To receive care without being obliged to feel grateful to those providing your care
- To full and effective use of all your human, legal and consumer rights, including the right to freedom of speech regarding your care
- To be treated without exploitation, abuse, discrimination, harassment or neglect.

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Questions you can ask about General Rights

- Will your staff respect my preferences?
- Will your staff ask my permission before they access my personal belongings?
- Will your staff respect my views about my care?
- What can I do if members of your staff do not treat me with respect?

Your Rights

Participation

- To be involved in identifying the community care most appropriate for your needs
- To choose the care and services that best meet your assessed needs, from the community care able to be provided and within the limits of the resources available
- To participate in making decisions that affect you
- To have a representative participate in decisions relating to your care if you do not have capacity.

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Questions you can ask about Participation

- How will you involve me in the planning of my support service?
- Will your staff listen to what I have to say about my care?
- Can I have someone with me during discussions about my care?
- Can I use an interpreter?

Your Rights

Care and Services

- To receive reliable, coordinated, safe, quality care and services which are appropriate to your assessed needs
- To be given before, or within 14 days after you commence receiving care, a written plan of the care and services that you expect to receive
- To receive care and services as described in the plan that take account of your lifestyle, other care arrangements and cultural, linguistic and religious preferences
- To ongoing review of the care and services you receive (both periodic and in response to changes in your personal circumstances) and modification of the care and services as required.

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Questions you can ask about Care and Services

- How long will I have to wait for an assessment?
- Who will conduct the assessment and how long will it take?
- How will I know if I am eligible to receive services?
- Can I have a friend or family member with me during discussions about my care plan?
- When will the service commence?

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Questions you can ask about Care and Services (continued)

- When will I receive a copy of my care plan?
- How often and for how long will I receive the service?
- Is the service available after-hours or on weekends?
- Can I stop the service at any time? How can I do this?
- Can I ask for a male or female worker?
- Will your staff respect my cultural and religious beliefs?
- How will my care plan review take place?
- How often will I have a visit or phone call from the agency to find out if I am happy with the service I am receiving?
- How can I arrange for my care plan to be changed?

Your Rights

Personal Information

- To privacy and confidentiality of your personal information
- To access your personal information.

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Questions you can ask about Personal Information

- Do you have any written information about my rights to privacy and confidentiality?
- What kind of personal details will you keep about me?
- Will you only keep information about me that is relevant to the service you provide?
- Where do you keep my personal details?
- Will my personal details be given to anyone else without my consent?
- Who will have access to my personal details?
- Can I see the file that is kept about me?
- What can I do if I think my rights to privacy and confidentiality have been breached?

Your Rights Communication

- To be helped to understand any information you are given
- To be given a copy of the Charter of Rights and Responsibilities for Community Care
- To be offered a written agreement that includes all agreed matters
- To choose a person to speak on your behalf for any purpose.

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Questions you can ask about Communication

- Who can I contact when I have questions about my care and services?
- Can I ask a friend, family member or independent advocate to represent me?
- How can I contact an independent advocacy service?
- Can you give me written information about independent advocacy services?
- Is this information available in other languages?

Your Rights

Comments and Complaints

- To be given information on how to make comments and complaints about the care and services you receive
- To complain about the care and services you receive, without fear of losing the care or being disadvantaged in any other way
- To have complaints investigated fairly and confidentially, and to have appropriate steps taken to resolve issues of concern.

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Questions you can ask about Comments and Complaints

- How can I make a complaint?
- Is there a particular person I should contact to make a complaint?
- Who else can I talk to if I am not happy with the result of my complaint?
- Will I risk losing my service if I complain?
- Will my complaint be kept confidential?
- If I feel that I have been disadvantaged, how will you respond?

Your Rights

Fees

- To have your fees determined in a way that is transparent, accessible and fair
- To receive invoices that are clear and in a format that is understandable
- To have your fees reviewed periodically and on request when there are changes to your financial circumstances
- Not to be denied care and services because of your inability to pay a fee for reasons beyond your control.

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Questions you can ask about Fees

- How much will my service cost?
- How often will I pay?
- What if I can't afford to pay?
- What payment methods can I use?

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Additional questions you can ask your Community Care service provider

- What qualifications do you require of your care workers and coordinators?
- How are your volunteers trained?
- What type of ongoing training do care workers and volunteers receive?
- Are Police Checks conducted for your staff and volunteers?
- What information can you give me about alternatives if your service can't meet my care needs?
- If I cancel the service because I no longer need it, can it recommence at a later date?
- What can I do if I need more support?

What is an advocate?

An advocate is someone who:

- Supports you to resolve your concerns
- Will speak on your behalf
- Is “on your side” and upholds your rights.

You can ask a family member, a friend or an independent advocate to act on your behalf.

The choice is yours.

Aged Rights Advocacy Service (ARAS) is funded to provide free, confidential, independent support for the consumer rights of people using aged care services and their carers, and endorses the broader human rights of all older people.

ARAS can assist you to self-advocate or an advocate can represent you to uphold your rights.

Your views are important because:

- When issues are addressed, solutions can be found
- A problem may escalate if no-one speaks up
- Other users of the service can benefit from the solutions
- Service providers can identify areas for service quality improvement.

Why choose ARAS ? (Aged Rights Advocacy Service)

ARAS:

- Knows your rights and entitlements
- Is independent
- Maintains confidentiality
- Knows the standard of service that you are entitled to receive
- Provides accurate information
- Knows the aged care system
- Is familiar with relevant legislation
- Can offer options
- Works directly with you and/or your chosen representative (e.g. family member or friend)
- Represents your best interests, based on your wishes.

An ARAS advocate can visit you at home or you can call us on 8232 5377 to make an appointment to meet in our office.

Your Responsibilities

- To respect the rights of care workers to their human, legal and industrial rights including the right to work in a safe environment
- To treat care workers without exploitation, abuse, discrimination or harassment
- To abide by the terms of the written agreement
- To acknowledge that your needs may change and to negotiate modifications of care and services when your care needs do change
- To accept responsibility for your own actions and choices even though some actions and choices may involve an element of risk
- To give enough information to assist the approved provider to develop, deliver and review a care plan
- To tell the approved provider and their staff about any problems with the care and services

- To allow safe and reasonable access for care workers at the times specified in your care plan or otherwise by agreement
- To provide reasonable notice if you do not require a service
- To pay any fee as specified in the agreement or negotiate an alternative arrangement with the provider if any changes occur in your financial circumstances
- To provide enough information for the approved provider to determine an appropriate level of fee.

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For further information and support contact:

Aged Rights Advocacy Service

Telephone **8232 5377**

Country Toll Free **1800 700 600**

Translating and Interpreting Service **13 14 50**

16 Hutt Street, Adelaide SA 5000

PO Box 7234, Hutt Street SA 5000

Facsimile **(08) 8232 1794**

Email **aras@agedrights.asn.au**

www.sa.agedrights.asn.au



National Aged Care Advocacy Program

National Aged Care Advocacy Program - An Australian Government Initiative



home and community care

A JOINT COMMONWEALTH AND STATE/TERRITORY PROGRAM
PROVIDING FUNDING AND ASSISTANCE FOR AUSTRALIANS IN NEED

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