

aras



aged rights advocacy service inc.

Community Care

Your rights and responsibilities



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About this booklet

This booklet aims to assist you to clarify and uphold your aged care consumer rights, fulfill your responsibilities and have control over the aged care services you use at home.

The Charter of Aged Care Rights (described on page 2) provides the same rights to all consumers, regardless of the type of Australian Government funded aged care services they receive.

In this booklet, you will find questions you can consider asking your current or potential home care provider.

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

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; and
14. exercise my rights without it adversely affecting the way I am treated.

You can request a printed copy of the [Charter of Aged Care Rights](#) booklet by calling ARAS on (08) 8232 5377 or 1800 700 600 (toll free).

Aged Care Quality Standards

Organisations providing Commonwealth subsidised aged care services are required to comply with the Aged Care Quality Standards.

The Quality Standards are made up of eight individual Standards:

1. consumer dignity and choice;
2. ongoing assessment and planning with consumers;
3. personal care and clinical care;
4. services and supports for daily living;
5. organisation's service environment;
6. feedback and complaints;
7. human resources; and
8. organisational governance.

You can read the Aged Care Quality Standards in detail at www.agedcarequality.gov.au or you can request a printed copy by calling ARAS on (08) 8232 5377 or 1800 700 600 (toll free).

About Aged Rights Advocacy Service (ARAS)

The Aged Rights Advocacy Service (ARAS) is a free, confidential and statewide service which has been supporting older people since 1990.

ARAS assists older people or their legal representatives, who are:

- living in residential aged care, at home or in a retirement village;
- receiving Commonwealth Home Support Programme (CHSP) or Home Care Package (HCP) services;
- at risk of, or experiencing abuse, from someone they trust.

ARAS provides:

- information about aged care: rights, entitlements and responsibilities;
- assistance with registering for and accessing home care support through the My Aged Care system (Country and Metropolitan North regions);
- support to resolve your concerns or speak on your behalf;
- strategies to help you stay safe;
- promotion of the rights of older people;
- Aboriginal advocacy and support; and
- information and education sessions.

What is advocacy?

Advocacy is the process of standing beside someone and supporting them to:

- understand and exercise their rights; and
- have their voice heard on the issues that are important to them.

Role of an ARAS advocate

ARAS advocates can work with you to:

- uphold your aged care rights;
- address issues of concern;
- identify options and strategies;
- establish an action plan;
- review your Home Care Agreement and Care Plan.

ARAS advocates will only proceed with your consent or your legal representative's consent.

ARAS can also assist you to self-advocate or an advocate can represent you in your interaction with the service provider.

For more information on how to self-advocate, refer to the [Self Advocacy](#) fact sheet. You can request a printed copy by calling ARAS on (08) 8232 5377 or 1800 700 600 (toll free).

Accessing help at home

If you are finding it difficult to do some of the things you used to do, but you want to remain living independently at home, you could be eligible for assistance at home.

My Aged Care (www.myagedcare.gov.au) is the entry point to access Australian Government aged care services and information.

There are two levels of care for help at home:

1. Commonwealth Home Support Programme (CHSP)

The CHSP provides entry-level services that help you maintain your independence. Services can include domestic assistance, transport, meals and social support.

2. Home Care Packages

The Home Care Package program provides assistance to older people with more complex care needs. A wide range of care services, social support, well-being services, equipment and home modifications can be accessed with government funds allocated to your individual budget.

Accessing help at home

For more information on how to access home care services, you can:

■ Contact My Aged Care

1. Contact My Aged Care on 1800 200 422 (toll free) or you can apply for an assessment online at www.myagedcare.gov.au/assessment/apply-online
 - You will be asked questions to assess your needs and care arrangements.
2. Have a face-to-face assessment
 - With your consent, My Aged Care may arrange for a trained assessor to come to your home.
 - My Aged Care will then work with you to develop a Care Plan which addresses your needs, goals and preferences.
3. Find out about costs
 - My Aged Care and service providers can give you information about the fees and how much you might have to pay.
4. Find a home care provider
 - The My Aged Care website and your assessor can assist you to find and compare home care providers in your area that meet your needs.
5. Commence your home care service(s).

Reference: <https://www.myagedcare.gov.au/sites/default/files/2020-02/myagedcare-brochure-english.pdf>

Accessing help at home

- Contact ARAS on (08) 8232 5377 or 1800 700 600 (toll free)

Our team of Navigator Specialists can assist you or your loved ones by:

- providing information about My Aged Care;
- providing individualised support to:
 - register with My Aged Care;
 - identify home care needs and service options;
 - communicate with My Aged Care on your behalf;
 - activate aged care services with your local provider; and
 - follow-up after services commence to ensure you are satisfied that the service meets your needs.

Change in circumstances

If your care needs change over time, or if you wish to change your service provider, discuss this with your current service provider. You can also contact My Aged Care directly on 1800 200 422 (toll free) and discuss your situation.

Depending on your circumstances, you may be required to have another assessment.

Self-managing your Home Care Package

You can also self-manage your Home Care Package depending on your circumstances, skills, knowledge and options offered by your home care provider.

Self-managing your Home Care Package may not be offered by all services.

Self-management has many benefits including, control of your Home Care Package funding and freedom to choose and manage your support workers.

If you are interested in self-managing your Home Care Package, speak with a potential provider and discuss your needs. If you are not satisfied, visit the My Aged Care Service Finder at <https://www.myagedcare.gov.au/find-a-provider>. You can also contact ARAS on (08) 8232 5377 or 1800 700 600 (toll free) to discuss your circumstances.

What is a Care Plan?

A Care Plan is a document that outlines:

- your care needs, goals and preferences;
- the services you will receive to meet your needs; and
- who will provide the services and when.

Your Care Plan

- contains details about your medical, physical, social, emotional, lifestyle and spiritual needs;
- outlines how you wish services to be delivered;
- can also contain information about family arrangements (e.g. who visits you regularly, emergency contacts and information about your Advance Care Directive(s));
- ensure your Care Plan is accurate, and that you have provided consent before being signed; and
- can be reviewed and updated every 12 months, or whenever there are changes in your personal circumstances.

You have the right to fully participate in decisions that affect the quality of care, and the services that you use.

You can request a printed copy of [Your Care Plan](#) brochure by calling ARAS on (08) 8232 5377 or 1800 700 600 (toll free).

How you can raise a concern

If you are unhappy with the aged care service you are receiving, you have a right to raise your concerns and have your issues resolved.

Involving an ARAS advocate early in the complaint process can assist you to have your concerns addressed before the problem escalates into a more formal complaint.

ARAS advocates can talk to you by phone or visit you at a location convenient to you. Alternatively, you can meet an ARAS advocate by appointment at the ARAS office.

The following may assist you to address your concern(s):

1. Talk to your home care provider – they may not know there is a problem.
2. Lodge a written complaint with your home care provider.
3. Speak with an ARAS advocate about how we can assist.
4. Contact the Aged Care Quality and Safety Commission (Commission) on 1800 951 822 (toll free) or info@agedcarequality.gov.au. The Commission protects and enhances the safety, health, well-being and quality of life of people receiving aged care.

Questions you can ask the aged care service provider

General questions

- How will your staff respect my preferences?
- Will your staff ask my permission before they access my personal belongings?
- Will your staff listen to me and respect my views about my care and services?
- What can I do if I am not treated with respect by your staff?
- What steps can I take if my rights are not upheld?
- Do you have ARAS' contact details?

Choice and flexibility questions

- How will I be involved in the planning of my care and services?
- What choices do I have about my package of care and services?
- What level of flexibility will there be?
- How will you involve me in the ongoing coordination of my care and services?
- How will your staff assist me to reach my goals?
- How will you assist me to maintain my independence?
- Who can I choose to have with me during discussions about my care and services?
- Who can help me to understand my Care Plan?
- How can I request an interpreter?



Care and services questions

- What care and services can I choose?
- When will I receive a copy of my Care Plan?
- How will you assist me to access a service that you can't provide?
- What can I do if I no longer want or need a particular service?
- Can I stop the care and services at any time? How can I do this?
- If I stop a service, can it be reinstated at a later date?
- How often do you reassess my care needs (yearly or as my circumstances change)?
- Are all your workers and volunteers trained and have a police clearance?



Individualised budget and monthly statement questions

- How will I be involved in designing the budget?
- How often will my budget be reviewed?
- Will the monthly statement be in plain language?
- Will it be clear how much my care and services cost each month?
- Who do I contact if I have a query with the fees and charges?





Personal information questions

- What information can you give me about my rights to privacy and confidentiality?
- What personal information do you keep about me?
- Where and how do you keep my personal information?
- Under what circumstances will you pass on information about me to others?
- How will you obtain my permission to give my personal information to others (verbally noted or in writing)?
- How will you make my personal file available to me or my legal representative?
- What can I do if I think my rights to privacy and confidentiality have been breached?



Communication questions

- 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?



Comments and complaints questions

- How will you check my level of satisfaction with the services you provide?
- What can I do if I don't agree with my Care Plan and Service Agreement?
- What will you do if you learn that I am dissatisfied with aspects of your service?
- How can I make a complaint?
- Will my complaint be kept confidential?
- If I am unhappy with the outcome of my complaint who else can I talk to?
- What can I do if a problem can't be resolved to my satisfaction?
- Will my services be affected if I make a complaint?



Fees questions

- How are my fees determined?
- Are my fees related to the level of services provided?
- What can I do if I can't afford to pay the fees?
- What payment method can I use?
- Who can I talk to if I have questions about my budget and financial statements?



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 change;
- to accept responsibility for your actions and choices;
- to share relevant information which will assist the approved provider to develop, deliver and review a Care Plan;
- to notify the approved service provider and their staff about any problems you experience with their service;
- ensure safe and reasonable access to your home for care workers at the times specified in your Care Plan or otherwise by agreement;
- to provide reasonable notice if you do not require home care to be provided on a particular day or no longer wish to continue the service due to a change in circumstances;
- to pay any fees specified in the Agreement or negotiate an alternative arrangement with the provider if any changes occur in your financial circumstances;
- to disclose relevant information for the approved provider to determine an appropriate level of fees and charges.

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For further information and support contact:

Aged Rights Advocacy Service

Office hours Mon-Fri, 9am to 5pm

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Text Telephone (TTY) 13 36 77

Speak and Listen (SSR) 1300 555 727

Translating and Interpreting Service 13 14 50
Independent interpreters may be available by
appointment free of charge.

ARAS is funded by the Australian Government Department of Health, National Aged Care Advocacy Program and SA Health, Office for Ageing Well.

ARAS is the South Australian member of the Commonwealth funded Older Persons Advocacy Network (OPAN).

