



# National Community Care

## Charter of Care Recipients' Rights and Responsibilities within Home Care

Aged care Act 1997, Schedule 2 User Rights Principles

## **1. Care recipients' rights – home care**

Each care recipient has the following rights:

### ***(1) General***

- a) to be treated and accepted as an individual, and to have his or her individual preferences respected;
- b) to be treated with dignity, with his or her privacy respected;
- c) to receive care that is respectful of him or her, and his or her family and home;
- d) to receive care without being obliged to feel grateful to those providing the care;
- e) to full and effective use of all human, legal and consumer rights, including the right to freedom of speech regarding his or her care;
- f) to have access to advocates and other avenues of redress;
- g) to be treated without exploitation, abuse, discrimination, harassment or neglect.

### ***(2) Participation***

- a) to be involved in identifying the home care most appropriate for his or her needs;
- b) to choose the care and services that best meet his or her assessed needs, from the home care able to be provided and within the limits of the resources available;
- c) to participate in making decisions that affect him or her;
- d) to have his or her representative participate in decisions relating to his or her care if he or she does not have capacity.

### ***(3) Care and services***

- a) to receive reliable, coordinated, safe, quality care and services which are appropriate to his or her assessed needs;
- b) to be given before, or within 14 days after he or she commences receiving care, a written plan of the care and services that he or she expects to receive;
- c) to receive care and services as described in the plan that take account of his or her other care arrangements and cultural, linguistic and religious preferences;
- d) to ongoing review of the care and services he or she receives (both periodic and in response to changes in his or her personal circumstances), and modification of the care and services as required.

### ***(4) Personal information***

- a) to privacy and confidentiality of his or her personal information;
- b) to access his or her personal information.

### ***(5) Communication***

- a) to be helped to understand any information he or she is given;
- b) to be given a copy of this Charter;
- c) to be offered a written agreement that includes all agreed matters;
- d) to choose a person to speak on his or her behalf for any purpose.

### ***(6) Comments and complaints***

- a) to be given information on how to make comments and complaints about the care and services he or she receives;
- b) to complain about the care and services he or she receives, without fear of losing the care or being disadvantaged in any other way;
- c) to have complaints investigated fairly and confidentially, and to have appropriate steps taken to resolve issues of concern.

### ***(7) Fees***

- a) to have his or her fees determined in a way that is transparent, accessible and fair;
- b) to receive invoices that are clear and in a format that is understandable;
- c) to have his or her fees reviewed periodically and on request when there are changes to his or her financial circumstances;
- d) not to be denied care and services because of his or her inability to pay a fee for reasons beyond his or her control.

## **2. Care recipients' responsibilities - home care**

Each care recipient has the following responsibilities:

### ***(1) General***

- a) to respect the rights of care workers to their human, legal and workplace rights including the right to work in a safe environment;
- b) to treat care workers without exploitation, abuse, discrimination or harassment.

### ***(2) Care and services***

- a) to abide by the terms of the written home care agreement;
- b) to acknowledge that his or her needs may change and to negotiate modifications of care and service if his or her care needs change;
- c) to accept responsibility for his or her own actions and choices even though some actions and choices may involve an element of risk.

### ***(3) Communication***

- a) to give enough information to assist the approved provider to develop, deliver and review a care plan;
- b) to tell the approved provider and their staff about any problems with the care and services.

**(4) Access**

- a) to allow safe and reasonable access for care workers at the times specified in his or her care plan or otherwise by agreement;
- b) to provide reasonable notice if he or she does not require home care to be provided on a particular day.

**(5) Fees**

- a) Each care recipient has the responsibility to pay any fees as specified in the agreement or to negotiate an alternative arrangement with the provider if any changes occur in his or her financial circumstances.
- b) to provide enough information for the approved provider to determine an appropriate level of fee.