

GPDV- Orientation to Aged Care Homes



**Presenter: Mary Lyttle
CEO, Residential Care Rights Inc.**

Residential Care Rights Inc. (RCR)

- RCR is funded by the Commonwealth Government and managed by a voluntary management committee of older people.
- RCR is an independent service which is free and confidential, with a focus on positive outcomes for the care recipient.

Who Is The Service For?

Any person who:

- receives high or low level care in a Commonwealth funded residential care service;
- is being assessed by an Aged Care Assessment Team; or
- has applied for or receives a Community Aged Care Package, an Extended Aged Care at Home package, or a Flexible Care Package.

Services Provided by RCR

- Provides information, support and advice regarding rights and responsibilities.
- Supports care recipients and/or their representatives to raise issues or concerns.
- Assists with complaints, including to CRS.
- Assists with support of residents' and relatives' committees.
- Consults on policies to enhance consumers' rights.
- Provides information and education to staff and management of aged care.

References to a Care Recipient

- ***Quality of Care Principles 1997***

In these Principles, a reference to a *care recipient (or his or her representative)* is a reference to:

- (a) the care recipient; or
- (b) the care recipient's representative; or
- (c) both the care recipient and his or her representative.

Care recipient includes a prospective care recipient and resident.

Examples of a representative

1. Advocate
2. Carer
3. Legal Guardian
4. Relative

Access by Advocates

- ***Aged Care Act 1997***
- ***User Rights Principles 1997***

The approved provider must allow a person acting for an authorised body to have access to the residential care service:

- (a) during normal business hours; or
- (b) if a care recipient, or a care recipient's representative, has asked for a person acting for the authorised body to assist the care recipient - at any time.

Legislative Framework

- ***Aged Care Act 1997***

Chapter 4 - Responsibilities of approved providers:

Part 4.1 - Quality of Care

Part 4.2 - User Rights

- ***Aged Care Principles 1997***

Comprises 21 sets of Principles

Quality of Care Principles 1997

- Specified Care and Services for Residential Care Services - sets out care and services to be provided to all residents and additional care and services for high care residents.
- Accreditation Standards - 4 Standards comprising 44 Expected Outcomes.
- Community Care Standards - 7 Standards comprising 13 Expected Outcomes.
- Flexible Care Principles.

User Rights Principles 1997

- Security of Tenure
- Accommodation Bonds
- Accommodation Charges
- Resident Agreements and Community Care Agreements
- Moving within a residential care service
- Charter of Residents' Rights and Responsibilities
- Rights of Community Care and Flexible care recipients

RCR Process

- Identify issues raised by the call
- Clarify rights in relation to the issues
- Discuss options (e.g. internal process; Complaints Resolution Scheme)
- Provide information to help self advocacy
- If agreed, discuss issues with provider and if needed arrange meeting with all parties to resolve complaint
- If external help requested, provide support through CRS process

Regular Issues

- Lack of consultation (e.g. family, health practitioners)
- Care issues (e.g. continence, medication, restraint, nutrition, hydration)
- Behaviour management
- Security of tenure
- Verbal, emotional, physical abuse of residents
- Financial issues (e.g. fees, accommodation bonds, accommodation charges)
- Fear of reprisals for speaking up are a regular concern of callers

Regular Issues (cont)

- Decision-making:
 - type of decision to be made
 - mental capacity
 - who has the authority to decide?
 - enduring power of attorney (financial)
 - enduring power of attorney (medical)
 - enduring power of guardianship
 - guardian appointed by VCAT
 - “person responsible”
- Threat to apply for a guardian (e.g. placement from hospital into residential care)

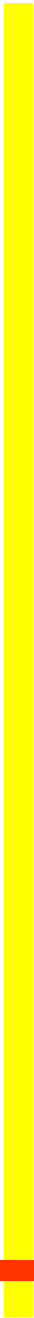
Security of Tenure Issues

User Rights Principles 1997

- Does the aged care service have the right to require the resident to leave?
- If yes, has the service followed the requirements set out in the *User Rights Principles*?
- Residents have User Rights protections under The Act, including time to find other suitable accommodation.

A Quality Partnership:

- Aged Care Act is premised on a 'partnership' approach to care. This should:
 - treat parties as equals
 - establish trust
 - good communication
 - respect for rights
 - ensure good quality service and care.



Residential Care Rights Inc.
Suite 4B
343 Little Collins Street
Melbourne Vic 3000

Telephone:
9602 3066 or
1800 700 600 (within Victoria)

Email: rcr@rcr.org.au

Website: www.vic.agedrights.asn.au