Australian Government

Department of Health

Charter of Care Recipients' Rights and Responsibilities – Home Care

Aged Care Act 1997, Schedule 2 User Rights Principles 2014
(amended on 27 February 2017)

1 Care recipients' rights - home care

General

(1) Each care recipient has the following rights:
- (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.

Consumer Directed Care - choice and flexibility

(2) Each care recipient has the following rights:
- (a) to be supported by the approved provider:
  - (i) to set goals in relation to the outcomes he or she seeks from home care
  - (ii) to determine the level of ongoing involvement and control that he or she wishes to have in the provision of the home care
  - (iii) to make decisions relating to his or her own care
  - (iv) to maintain his or her independence as far as possible
- (b) to choose the care and services that best meet his or her goals and assessed needs and preferences, within the limits of the resources available
- (c) to have choice and flexibility in the way the care and services are provided at home
- (d) to participate in making decisions that affect him or her
- (e) to have his or her representative participate in decisions relating to his or her care if he or she requests it or if he or she does not have capacity
- (f) to choose the approved provider that is to provide home care to him or her, and to have flexibility to change that approved provider if he or she wishes.

Consumer Directed Care - care and services

(3) Each care recipient has the following rights:
- (a) to receive reliable, coordinated, safe, quality care and services which are appropriate to meeting his or her goals and assessed needs
- (b) to be given before, or within 14 days after, he or she commences receiving home care, a written plan of the care and services that he or she expects to receive
- (c) to receive care and services that take account of his or her other care arrangements and 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.

Consumer Directed Care - individualised budget and monthly statement of available funds and expenditure

(3A) Each care recipient has the following rights:
- (a) to receive an individualised budget for the care and services to be provided
- (b) to have his or her individualised budget reviewed and, if necessary, revised if:
  - (i) the care and services to be provided, or the costs of providing the care and services, change; or
  - (ii) he or she requests the approved provider to review and, if necessary, revise the individualised budget
- (c) to receive a monthly statement of the funds available and the expenditure in respect of the care and services provided during the month.

Personal information

(4) Each care recipient has the following rights:
- (a) to privacy and confidentiality of his or her personal information
- (b) to access his or her personal information.

Communication

(5) Each care recipient has the following rights:
- (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.

Comments and complaints

(6) Each care recipient has the following rights:
- (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.

Fees

(7) Each care recipient has the following rights:
- (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

General

(1) Each care recipient has the following responsibilities:
- (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.

Care and services

(2) Each care recipient has the following responsibilities:
- (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.

Communication

(3) Each care recipient has the following responsibilities:
- (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
- (c) before the care recipient changes approved providers, to tell the approved provider and their staff of the day the care recipient intends to cease to receive home care services from the approved provider.

Access

(4) Each care recipient has the following responsibilities:
- (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.

Fees

(5) 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.