

Schedule 3 – Charter of care recipients’ rights and responsibilities – short-term restorative care

Note: See section 23AD.

Part 2—Short-term restorative care provided in a home care setting

4 Application of this Part

This Part applies in relation to a care recipient who is provided with short-term restorative care in a home care setting.

5 Care recipients’ rights

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 short-term restorative care; and
 - (ii) to determine the level of ongoing involvement and control that he or she wishes to have in the provision of the short-term restorative care; and
 - (iii) to make decisions relating to his or her own care; and
 - (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.

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 7 days after, he or she commences receiving short-term restorative 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.

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 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.

6 Care recipients' responsibilities

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 flexible 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.

Access

- (4) Each care recipient has the responsibility to allow safe and reasonable access for care workers at the times specified in his or her care plan or otherwise by agreement.

Fees

- (5) Each care recipient has the responsibility to pay any fees as specified in the flexible care agreement or to negotiate an alternative arrangement with the provider if any changes occur in his or her financial circumstances.