



Australian Government

Department of Health

DRAFT CHARTER OF AGED CARE RIGHTS

Consultation Paper 2018



TABLE OF CONTENTS

Table of contents	1
Making a Submission	2
Context and purpose of this consultation paper	3
Context	3
Why do we need a single Charter?.....	3
Purpose of this consultation paper.....	4
Important notes	4
Development of the draft single Charter and next steps	5
Development of the draft Charter.....	5
Next steps	6
About the draft single Charter	6
Role of the draft Charter.....	6
Content of the draft Charter	6

MAKING A SUBMISSION

This paper has been prepared by the Department of Health (the department) as a basis for consultation on the further development of a single Charter for people receiving aged care.

The department is keen to consult widely and engage with as many individuals and organisations with an interest in aged care rights as possible. These include:

- consumers, their families and carers
- key sector groups
- aged care organisations
- staff of aged care organisations, health and disability services providers
- advocacy groups.

The department invites your comments on this consultation paper.

The department will consider all comments carefully and use the information we receive to inform the further development of the single Charter (discussed in more detail in this paper). With your consent, the comments we receive will be made publicly available.

You can submit your comments via the department's [consultation hub](https://consultations.health.gov.au/) at <https://consultations.health.gov.au/>

If you are having difficulty completing an online submission, please contact qualityagedcare@health.gov.au for assistance.

You must ensure that the department receives your comments by **Wednesday 10 October 2018**. **Late submissions will not be accepted.**

Thank you for your interest and we look forward to receiving your comments.

CONTEXT AND PURPOSE OF THIS CONSULTATION PAPER

Context

The Australian population is ageing and the expectations of older people and the community are changing. In recognition of this, the Australian Government is making fundamental reforms to the aged care system. The reforms aim to ensure high-quality services that meet consumer needs and preferences.

Over the last three years, the department has been partnering with consumers, the aged care sector, experts and the community to develop a Single Aged Care Quality Framework that:

- includes:
 - new aged care quality standards that increase the focus on outcomes for consumers
 - improved quality assessment processes
 - a single Charter of rights for all aged care recipients
- applies across all types of aged care.

The new Aged Care Quality Standards (new Standards) have been finalised. Providers have a 12 month transition period to adapt their processes and practices to the new Standards. Subject to parliamentary processes, assessment against the new Standards will commence from 1 July 2019.

Work on improving quality assessment processes was placed on hold pending the outcome of the *Review of National Aged Care Quality Regulatory Processes* (the Carnell/Paterson review). This work will be progressed in the context of the 2018-19 Budget 'Better Quality of Care' measures.

The department has commenced working with the sector to develop a single Charter of rights for people receiving aged care.

Why do we need a single Charter?

There are currently four Charters relating to the rights of aged care recipients:

- *Charter of care recipients' rights and responsibilities – residential care*
- *Charter of care recipients' rights and responsibilities – home care*
- *Charter of care recipients' rights and responsibilities – short-term restorative care (part 1, residential care setting; part 2, home care setting)*¹.

These Charters are available on the Consultation Hub for your information.

It may be difficult for consumers to understand under which program they are receiving care, and therefore which Charter relates to their rights.

¹ User Rights Principles 2014, Schedules 1, 2 and 3

There is considerable duplication between all Charters. There are also differences between the Charters that raise the question why some aged care consumers are not afforded the same rights as others. A single Charter across aged care will make rights clearer for consumers, regardless of the subsidised care type they receive, and support the development of a single aged care system.

Currently, Commonwealth-subsidised aged care providers delivering care and services across the continuum of aged care must ensure they comply with all relevant Charters. A single Charter will reduce regulatory compliance for providers delivering multiple types of care.

Purpose of this consultation paper

The purpose of this consultation paper is to seek stakeholder comment on the draft single Charter of Rights for people receiving aged care.

The draft Charter includes twelve individual rights, and is available [here](#).

Important notes

- A single Charter will apply to all people once they commence receiving Commonwealth-subsidised aged care, including residential care, home care, flexible care, and services provided under the Commonwealth Home Support Program and the National Aboriginal and Torres Strait Islander Flexible Aged Care Program. The rights of people who have not yet commenced receiving Commonwealth-subsidised aged care are covered through other mechanisms.
- As announced in the 2018-19 Budget, subject to parliamentary processes, from 1 January 2019 the functions of the Australian Aged Care Quality Agency and the Aged Care Complaints Commissioner will transfer to the Aged Care Quality and Safety Commission. The new Commission will monitor providers' compliance with the single Charter through its regulatory processes.

DEVELOPMENT OF THE DRAFT SINGLE CHARTER AND NEXT STEPS

Development of the draft Charter

The department has taken several steps in developing the draft single Charter to this point.

The existing aged care Charters were examined to identify their strengths, limitations, gaps and areas of duplication. These Charters were also mapped against the new Aged Care Quality Standards and provider responsibilities under aged care legislation to identify duplication of rights and responsibilities.

It is important that the new Charter is consistent with Charters in other sectors that intersect with aged care, so we closely examined Charters in similar sectors, for example:

- Australian Charter of Healthcare Rights
- the New Zealand Code of Health and Disability Services Consumers' Rights
- the United Nations Convention on the Rights of Persons with Disabilities.

Preliminary consultations with aged care consumers and providers have been held to explore views on matters including: the value of the existing Charters; the role that the Charter should play in the future; the matters that providers and consumers would like to see addressed in the new single Charter; the look and feel of the new Charter; and how to ensure the Charter is clear, unambiguous and easy to navigate.

The Aged Care Complaints Commissioner has also provided advice about the role of the Charters in aged care regulation.

These processes and inputs have informed both the approach to, and the content of, the draft Charter.

The draft Charter minimises duplication with other provider responsibilities and with other legislation as much as possible, and thereby reduces unnecessary regulatory burden for providers.

But the most important input on the draft Charter will be from a broad range of consumers, their families and carers, aged care organisations, staff of organisations, and other professionals in the aged care sector and related sectors. We are now seeking this input through this consultation process.

ABOUT THE DRAFT SINGLE CHARTER

Role of the draft Charter

The role of the draft Charter is to communicate what consumers can expect from providers (noting that providers also have a wide range of other responsibilities under the aged care legislation and through the Aged Care Quality Standards).

A single Charter cannot be expected to articulate all rights of consumers (nor all responsibilities of providers) but instead should focus on the core rights of central importance to consumers.

Content of the draft Charter

The draft Charter reflects feedback from key consumers and providers during preliminary consultations.

While consumers and consumer groups considered the draft Charter should focus on rights, they agreed that an individual's rights need to be balanced with the rights of others. The draft Charter therefore includes a preamble that contextualises the rights, particularly in residential care where consumers live as part of a community.

Those consulted agreed that five key concepts should be covered in a single Charter:

- dignity, respect and consideration
- safety and quality
- choice and control
- communication and information
- comments and complaints.

Feedback from consumers and providers also indicated that the draft Charter should be:

- as short as possible
- clear on how the rights translate to a consumer's representative or advocate
- applicable to all types of age care (and not be overly focused on residential care)
- translated into multiple languages to be accessible to a wide audience.

Consumers and consumer groups also recommended that fact sheets be developed to supplement consumers' understanding of the Charter, for example, information about how to access advocacy services and raise concerns.

It is important to note that this draft Charter is aimed at stimulating feedback from the broader public and will change as a result of consideration of the feedback and advice from key stakeholders.

Next steps

Feedback from this consultation will be considered by a group consisting of key aged care consumers and providers.

Changes to the Charter will mean that aged care legislation will need to be amended. Subject to the agreement of the Australian Government and amendments to the legislation, it is expected that the new Charter will take effect from 1 July 2019 in line with the new Standards.

Further work will also be undertaken to translate the single Charter into different languages and to develop material to support consumers' understanding of the single Charter.