



OPAN says the introduction of the new single Charter of Aged Care Rights gives providers a framework to open a conversation with clients.

# Preparing for the Single Charter of Rights

**A new single Charter of Aged Care Rights comes into effect on 1 July 2019, and the National advocacy body for older Australians, Older Persons Advocacy Network (OPAN), is making sure providers know what to expect.**

OPAN's members have been providing information, education and advocacy for Australia's seniors for over 25 years. The aged care reform agenda which includes new quality standards and the new Charter of Aged Care Rights, is well underway. In addition, with the establishment of the Royal Commission into Aged Care Quality and Safety, aged care is in a state of change. OPAN has assumed a leading role in guiding providers and their clients through a time of what CEO Craig Gear describes as great challenge, but also great opportunity.

"It's a really busy time for the sector and we certainly recognise that it



Craig Gear



Maree Montgomery

has an impact on the aged care workforce and what they're being expected to do," he says.

"And while that's challenging, we should be proud that the sector is getting the focus it deserves and getting the opportunity to further strengthen confidence in the system.

"Aged care providers and the aged care workforce do a great job but sometimes the tools aren't there, nor is there clarity and expectations around quality and safety."

The federal government launched the new single Charter of Aged Care Rights in March, which providers will need to sign, give and explain to every aged care recipient in their service.

The Charter, part of the Single Aged Care Quality Framework, replaces the four current charters relating to care recipients' rights and responsibilities and applies to all recipients of Australian Government funded aged care services.

Although it takes effect from 1 July, residential aged care services and home care providers have three and six months respectively after that date to provide and explain the Charter to care recipients.

OPAN is supporting the Department of Health with the roll out of the new Charter. They have been engaged to develop training, educational and promotional materials to make sure aged care consumers, providers and carers are aware of what the new Charter means and how it will affect them.

The new Charter is much more user friendly and has been streamlined and simplified into 14 clear rights.

"Framing it around 14 clear and simple rights makes it much easier for people to have something to hold onto that tells them, 'this is what I'm entitled to'," Mr Gear says, emphasising how it will help providers and consumers alike to understand and manage expectations.

"I see it as a fantastic opportunity for providers to work with older people to actually take the tool and use it to start conversations about their expectations and what's important for them," he says.

This may look like recognising diversity in a same-sex relationship, or letting someone sleep in on a rainy Sunday rather than forcing them to shower at 6 am just because it fits in with a care regime.

The Charter will go a long way in addressing the power differential between providers and aged care recipients, Mr Gear says.

"I see this as a huge opportunity for people to improve the quality of aged care because everyone - providers, frontline workers and recipients - will know what their rights are," he says.

"It is a fundamental shift in the dynamic that will restore confidence in the aged care system particularly at the time of Royal Commission."

In practical terms, the Charter won't represent a major change for providers and there is certainly nothing for to be afraid of, he says.

"Treating people with respect and allowing them to have dignity of risk, allowing people to get information in a way they can understand - none of those things are new.

"The new Charter of Aged Care Rights will offer providers clarity rather than being a burden."

## WEBINARS

Training webinars and information events will be occurring from 22 May.

To find out more information, visit: <https://opan.com.au/single-charter-of-aged-care-rights/>.

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## A SIMPLER APPROACH TO RIGHTS

The Charter of Aged Care Rights heralds the introduction of a simpler approach that will provide the same rights to all consumers, regardless of the type of aged care services they receive.

It is about placing the consumer at the centre of their care, giving them choice and treating them with respect and dignity. This provides an opportunity for providers and consumers to enter into an equal partnership.

The document was developed following a consultation period in 2018 that received more than 550 public submissions including from aged care providers, staff





and peak organisations (48 per cent) and aged care recipients, their families and carers (40 per cent).

It is written in plain English and focuses on high-level consumer rights, covering 14 fundamental protections including safe and quality care, independence, information, personal privacy, control, fairness and choice.

In addition, changes have been made to the home care security of tenure provision to include critical consumer responsibilities currently contained in the existing Charter of care recipients rights and responsibilities – home care. These changes will provide protection for aged care providers and the aged care workforce.

### THE CHARTER INCLUDES THE RIGHT TO:

- safe and high quality care and services
- be treated with dignity and respect
- have my identity, culture and diversity valued and supported
- live without abuse and neglect
- be informed about my care and services in a way I understand
- access all information about myself, including information about my rights, care and services
- have control over, and make choices about, my care, personal and social life, including where choices involve personal risk
- have control over, and to make decisions about, the personal aspects of my daily life, financial affairs and possessions
- my independence
- be listened to and understood
- have a person of my choice, including an aged care advocate, support me or speak on my behalf
- complain free from reprisal, and to have my complaints dealt with fairly and promptly
- personal privacy and to have my personal information protected
- exercise my rights without it adversely affecting the way I am treated.

#### Responsibilities of aged care recipients

- Respect: Treat others with respect
- Safe environment: Respect the rights of staff to work in a safe environment
- Information: Assist your provider by giving relevant information
- Fees: If you have agreed fees, pay these on time

The Charter underpins the new Aged Care Quality Standards, which are also coming into force on 1 July.

“Being treated with dignity and living without abuse and neglect are among the top tiers of the new charter,” Aged Care Minister Ken Wyatt said at the time.

From 1 July providers must give and explain the new Charter to the recipient. It must be signed by the provider, and ensure that the consumer or their authorised person has been given a reasonable opportunity to sign a copy of the Charter. They also must make it clear that the consumer has no obligation to sign it.

Residential aged care services have until 30 September 2019 to provide the signed Charter to their residents while home care providers have until 31 December 2019.

### TIMEFRAMES FOR IMPLEMENTING NEW REQUIREMENTS

- 1 July 2019 - onwards Requirements apply for all new consumers across aged care programs.
- 1 July - 30 September 2019 Requirements must be completed for existing consumers in residential care and short-term restorative care in a residential care setting.
- 1 July - 31 December 2019 Requirements must be completed for existing consumers in home care and short-term restorative care in a home care setting.

A Charter of Aged Care Rights Template for Signing is available for use from 1 July 2019 at <https://agedcare.health.gov.au/quality/single-charter-of-aged-care-rights>

### TRAINING AND RESOURCES

OPAN's role in ushering the new Charter of Aged Care Rights will be to make sure consumers know their rights and providers know how to properly deliver and implement the Charter.

As well as holding a series of webinars, which will be recorded, there will also be a suite of resources including a booklet for older people and their families explaining their rights, an explainer video for providers and consumer and a poster. Further updates on the timing of these materials will be provided during the webinars and through the OPAN website. OPAN is encouraging aged care providers and staff participate in these events to have the latest training, information and resources.

“I hope training gives people the confidence to have the conversation, to come away with a greater understanding of the rights and what it contains, and hopefully come away without the fear that this is something that the provider's going to be hit over the head with,” Mr Gear says.

“Organisations will not be on their own.”

### NUANCED TARGETING

Maree Montgomery, an educator and former nurse with more than 35-years experience in acute care, will spearhead OPAN's Charter of Aged Care Rights training, including the webinars and community education and awareness raising events.

The sessions will be nuanced to target each group, she says.

“There are the peak bodies and providers, so we'll be discussing what the Charter of Aged Care Rights is, how it will impact upon their service delivery and how it provides a great opportunity to look at how we're doing things and how we can improve, particularly for the consumer of aged care services,” she says.

“It will then filter down to frontline workers, then managers and directors of nursing, where we'll be talking about their obligations to have the Charter signed and explained to the consumer and chat about their rights and what's important to them and hear their individual stories.”

Ms Montgomery is confident the sector is ready to embrace change.

“I've been travelling with Seniors Rights Service across NSW talking about elder abuse and I meet many amazing people that work in health from all levels of service provision and they really want good things to come out of this period of change,” she says.

“I don't think the challenge of bringing in a new Charter of Aged Care Rights is going to be overly onerous to providers. Instead, it's a great time to re-engage, strengthen the relationship and reset the power differential.” ■

### TALK TO US FIRST TRAINING

Talk to Us First is a series of video resources that are dedicated to supporting Aged Care Workers and Service Providers.

Talk to Us First has been designed to train the aged care workforce to ensure that the new Quality Standards surrounding advocacy are met, with a particular emphasis on understanding the aged care advocacy role and how best to provide support for older people and their families.

Please visit [https://opan.com.au/provider-education/#talk\\_to\\_us\\_first](https://opan.com.au/provider-education/#talk_to_us_first) to access this training.



Royal Commission (Image AAP)

### SUPPORT DURING THE ROYAL COMMISSION

OPAN believes that it's important to work together as a sector to improve the aged care system, especially in the era of the Royal Commission into Aged Care Safety and Quality.

The Royal Commission is an important opportunity for aged care recipients and their carers to speak out about aged care services, including what works well and why things go wrong.

As an aged care provider you can help your clients speak up if they want to say something by directing them to OPAN's Royal Commission into Aged Care Submission Assistance service. This free and independent line will allow your clients to talk to an OPAN advocate who can assist them in preparing and submitting their statement to the Royal Commission.

**Free call 1800 237 981 8am-8pm (AEST) Monday-Friday.**

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