

Customer Rights and Responsibilities Policy and Procedure

Purpose and Scope

The purpose of this policy and procedure is to confirm HomeMade's commitment to aged care customers' rights and sets out how these rights will be communicated and supported by HomeMade and our staff.

This policy applies to all HomeMade staff, volunteers and contractors, as well as existing and potential HomeMade customers who could be the older person themselves, their family or significant other. It meets all relevant legislation, regulations and standards as set out in *Schedule1, Legislative References*.

Applicable Aged Care Quality Standards

This policy and procedure relates to all:

8 Aged Care Quality Standards 2018 (Cth)

The Charter¹

As per the *Charter of Aged Care Rights 2019 (Cth)*, all customers have the right to:

1. safe and high-quality care and services;
2. be treated with dignity and respect;
3. have their identity, culture and diversity valued and supported;
4. live without abuse and neglect;
5. be informed about their care and services in a way they understand;
6. access all information about themselves, including information about their rights, care and services;
7. have control over and make choices about their care, and personal and social life, including where the choices involve personal risk;

¹ Charter of Aged Care Rights. (2019). *New Charter of Aged Care Rights*. [Internet]. Department of Health, Ageing and Aged Care. Commonwealth of Australia, ACT. Available from: <http://agedcare.health.gov.au/quality/single-charter-of-aged-care-rights> [accessed 20 June 2019]

8. have control over, and make decisions about, the personal aspects of their daily life, financial affairs and possessions;
9. their independence;
10. be listened to and understood;
11. have a person of their choice, including an aged care advocate, support them or speak on their behalf;
12. complain free from reprisal, and to have their complaints dealt with fairly and promptly;
13. personal privacy and to have their personal information protected; and
14. exercise their rights without it adversely affecting the way they are treated.

Policy

HomeMade respects and fully commits to upholding the rights of all people.

HomeMade ensures all rights detailed within the *Charter of Aged Care Rights 2019 (Cth)* (*the Charter*) align with any organisational decision making, policies and service provision.

HomeMade ensures all customers (prospective and existing) are awarded the above rights as per *the Charter*, as well as the following human rights:

- recognition as a person and equality before the law, and to protect against discrimination;
- right to life;
- protection from torture and cruel, inhuman and degrading treatment, and not to be subject to medical or scientific experimentation or treatment without consent;
- freedom from slavery or forced work;
- freedom of movement;
- right to not have one's privacy, family, home or correspondence arbitrarily or unlawfully interfered with, and one's reputation unlawfully attacked;
- freedom of thought, conscience, religion and belief;
- freedom of expression;
- peaceful assembly and freedom of association;
- right to take part in public life;

- practice and enjoy culture, religion and language;
- to not be deprived of property other than in accordance with law;
- liberty and security of person;
- humane treatment when deprived of liberty;
- fair hearing;
- presumption of innocence when charged with a criminal offence;
- not to be tried or punished more than once for an offence already been finally convicted or acquitted in accordance with the law; and
- with respect to the operation of certain retrospective criminal laws.

In accordance with the *Aged Care Act 1997 (Cth)* and the *User Rights Amendment (Charter of Aged Care Rights) Principles 2019 (Cth)*, HomeMade is committed to ensuring its customers are made aware of their rights and responsibilities and supported to exercise them through all stages of service delivery and contact with HomeMade.

Procedures

Upon initial meeting of any prospective customer or during formal Initial Assessment meetings (and ongoing review), HomeMade provides each customer/their representative with HomeMade's *Home Care Agreement* that contains a copy of the *Charter of Aged Care Rights*

HomeMade utilises the *Charter of Aged Care Rights* as education tools to support each customer to understand their rights prior to any decision making about their Home Care Package.

HomeMade will take into account the specific requirements of individuals when ensuring customers fully understand their rights through providing information in a format that suits their individual communication preference, with full consideration to their particular needs. Formats may include different languages, Easy English, email or phone explanation by staff, and the use of interpreters and advocates.

Prior to services commencing, HomeMade's Onboarding Partner will explain the contents of *the Charter* and answer any questions the customer has about their

rights.

Staff will confirm the customers' understanding verbally, using an interpreter or advocate where required. Once the staff member has provided a copy of *the Charter*, and determined that the customer has genuinely understood their rights, the customer has the opportunity to sign their agreement via DocuSign.

Whilst HomeMade's Onboarding Partner will encourage the signing of *the Agreement* Onboarding Partner will advise each customer that it is not mandatory that they sign and that services can commence and/or continue regardless of signing.

All customers are provided a *Charter of Aged Care Rights 2019 (Cth)* for their records after signing.

Both written and verbally communicated information about customer rights will inform the customer that they are able to access/be provided a copy of this policy and procedure at any time upon request.

The customer/ representative is also provided with additional information and resources on their rights under the quality standards and the Charter of Rights throughout through onboarding journey with HomeMade.

Customer Responsibilities

As part of conversations with customers about their rights, HomeMade staff will ensure that any customer responsibilities are also discussed and understood by each customer/their representative.

As per the *Aged Care Act 1997 (Cth)*, customer responsibilities include:

- customers, their families, carers and visitors must respect and be considerate to HomeMade staff (violence, harassment or abuse towards staff or others is not acceptable or tolerated);
- customer's service environments must be safe for HomeMade staff to perform their duties (for example HomeMade can request dangerous pets be kept away from staff and customers not smoke near staff);

Customer Rights and Responsibilities Policy and Procedure

- customers must provide significant information about themselves that will assist HomeMade to deliver safe and quality care/support services;
- customers must adhere to the policies and procedures of HomeMade that relate to self-management, and
- customers must pay any agreed fees on time.

If any of the above responsibilities cannot be met, HomeMade will work with the customer to provide solutions and support as best as possible.

Staff Responsibilities

To ensure compliance with this policy and *the Charter*, staff will:

- think about where human rights are relevant to their activities and decisions that they make;
- where rights are relevant to the decision or action, consider whether or not the decision or action is limiting a human right in *the Charter*; and
- be able to demonstrate that any limitation on a human right is reasonable and consider whether the limitation is lawful, necessary, and proportionate in the circumstance.

A 'reasonable' limitation is determined based on the standards in a free and democratic society, including human dignity, equality and freedom and taking into account:

- the nature of the right;
- the importance and purpose of the limitation;
- the nature and extent of the limitation;
- the relationship between the limitation and its purpose; and
- whether there is any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

HomeMade will ensure staff engaged by or working with customers, are educated about *the Charter*, customer rights and responsibilities and how best to ensure each customer understands them.

Customer complaints will be addressed in accordance with HomeMade's *Feedback and Complaints Policy and Procedure*, including any concerns raised that a customer's rights are not being upheld.

In accordance with HomeMade's *Privacy Policy and Procedure*, respect for and protection of customers' privacy and confidentiality will be reinforced on an ongoing basis, verbally and in literature promoting the services offered by the organisation.

Staff will provide services with sensitivity to, and awareness of an individual's special needs, as defined by the *Aged Care Act 1997 (Cth)*:

- people from Aboriginal and Torres Strait Islander communities;
- people from culturally and linguistically diverse backgrounds;
- people who live in rural or remote areas;
- people who are financially or socially disadvantaged;
- veterans;
- people who are homeless or at risk of becoming homeless;
- care-leavers;
- lesbian, gay, bisexual, transgender and intersex people;
- any other person specified in the *Allocation Principles 2014 (Cth)*.

Supporting Documents

Organisational documents relevant to this policy and procedure:

- *HomeMade's Customer Agreement*
- *Self Management Manual*
- *Diversity and Inclusion Policy*
- *Feedback and Complaints Policy and Procedure*
- *Privacy and Confidentiality Policy and Procedure*

Monitoring and Review

This policy and procedure will be reviewed at least two-yearly by the Senior Leadership Team and incorporate customer and other stakeholder feedback. HomeMade's *Continuous Improvement Plan* will be used to record and monitor progress of any improvements identified.

Annual service delivery and satisfaction surveys will assess customer:

- awareness of their rights and the extent to which they feel able and supported to exercise them;
- satisfaction with the support they are provided to exercise their rights;
- awareness of what to do if their rights are violated;
- satisfaction with the quality of services they receive;
- satisfaction that their privacy and confidentiality are maintained;
- views on how easy it is to access the feedback, compliments and complaints system;
- satisfaction with how complaints and feedback are managed;
- awareness of their responsibilities and satisfaction with any support needed to meet them; and
- satisfaction with the management of reviews and appeals.

Document Control

Version No.	Issue Date	Document Owner
1	20/03/202	Senior Leadership Team
Version History		
Version No.	Review Date	Revision Description
1	March 2020	Implementing Policy and Procedures for Aged Care Services
2	August 2023	Policy review and update