

## The rights and responsibilities of the resident

### The Resident Agreement

Upon entering residential care, the facility is legally required to offer residents or their 'representative' (often their carer) a Resident Agreement. This includes information on:

- ▣ the care that will be provided;
- ▣ the fees charged;
- ▣ the residents' rights;
- ▣ the residents' responsibilities;
- ▣ when and how they can be asked to leave; and
- ▣ the complaints process.

Bear in mind that all agreements are legally binding. You may like to obtain your own legal advice before [signing the resident agreement](#).

### The Charter of Residents Rights

The Aged Care Act (1997) states that all facilities must have a Charter of Residents Rights, which relates to residents' rights and responsibilities with regard to staff, other residents and the aged care system generally. The [Charter of Residents' Rights and Responsibilities](#) covers issues of:

- ▣ dignity and respect
- ▣ personal privacy
- ▣ culture and religion
- ▣ quality care
- ▣ individual choice
- ▣ freedom of speech
- ▣ safety and security
- ▣ independence.

The Charter also states the responsibilities of residents which include:

- ▣ Caring for their own health and well being as much as possible.
- ▣ Providing adequate information about their medical history and current health.
- ▣ Respecting the rights and needs of other residents.
- ▣ Respecting the rights of staff to work in an harassment-free environment.

### The rights of the carer

Within residential care the rights of the resident are the primary focus. Carers are known to be the 'representative' of their family member, unless their family member requests otherwise. The representative has an active role in upholding the rights of their family member. This is most important for residents who no longer have the capacity to make decisions for themselves.

Carers should be included in matters that concern their family member and be involved in the hands-on care of this person, if this is wanted and where it is safe to do so. They should be acknowledged as a vital partner in the care of the resident.

Sometimes the Privacy Act and Health Records Act restrict the type and extent of information that carers and families can be given. If your family member is not able to give permission to the facility to provide information to you, the Guardianship and Administration Act allows a family member or friend to act as a '[person responsible](#)'. This person will receive information and making decisions when appropriate. Phone Office of the Public Advocate on 1300 309 337 for more information.



## Responsibilities of carers and families

### Family involvement

Having an involved and supportive family can make a big difference to the quality of life of a resident. Your level of involvement will be dependent upon many things - look for opportunities that meet your own needs and those of your family member. Read the information sheet 'How to find your new carer role' for ideas and suggestions.

### Open communication

It can be helpful to communicate some of your family history to the staff, particularly if it involves tension, hurt or conflict. By understanding the situation the staff can try to maintain a neutral position, rather than automatically taking the side of the resident or a more involved family member.

### Raising issues appropriately

When concerns or issues arise, respond to these as soon as possible. Speak to the staff member involved first and approach a more senior staff member when necessary. Deal with the issue at hand and try not to let it get personal or heated. Always consider what is in the best interests of your family member.

### Purchases and payments

In residential care basic toiletries and essentials are provided. Your family member will need to provide any additional or preferred items. Residents usually require the assistance and support of carers and families in this. How you can help:

- ▣ practical assistance - doing the shopping for these items;
- ▣ financial assistance - paying for some of the goods; and
- ▣ general support - checking on the level of supplies when visiting, not waiting to be asked.

If you are responsible for managing the financial affairs of your family member (or assisting them to do this), ensure the prompt and regular payment of all sums owed. If you are having difficulty making payments speak to the facility as soon as possible.

### Further information:

- ▣ [Residential Care Rights](#) - ph: 1800 700 600.
- ▣ [Compliments, criticisms and dealing with conflict](#) - information sheet.
- ▣ [Commonwealth Carer Resource Centre](#) - ph: 1800 242 636\*. Information, support and advice for people caring for a family member or friend. You can also request the above information sheets be sent to you - or find out about other information sheets in this series.

\*Free call except from mobile phones. Mobile calls at mobile rates.

We do our best to keep these links up to date, but the internet changes all the time. If you can no longer access any of the above resources, please go to our [Internet Troubleshooting Guide](#), or email us at [website@carersvic.org.au](mailto:website@carersvic.org.au)