



## POLICY – PROTECTING CONSUMER RIGHTS

Compliance with this Policy Directive is **Mandatory**

<b>Policy Type</b>	Clinical Policy Document
<b>Purpose of the Policy</b>	<p>Care Assess must ensure that consumer rights are protected and maintained under the <i>Aged Care Act 1997</i> (“the Act”) by following the User Rights Principles. Accordingly, we must ensure that the <i>Charter of Rights &amp; Responsibilities for Home Care</i> (“Charter”) are upheld for our consumers under our HACC and Home Care Packages Programs, and comply with the Community Care Common Standards (“CCCS”), in particular the Service User Rights and Responsibilities which are also an element of the Quality of Care Principles 1997.</p> <p>This policy exists to reinforce Care Assess’ commitment to ensuring that the rights of consumers are protected and relevant information is communicated to consumers.</p>
<b>Definitions</b>	<p>Consumer rights include;</p> <ul style="list-style-type: none"> <li>• being provided quality care;</li> <li>• treated with respect and courtesy;</li> <li>• being part of decisions made about their care;</li> <li>• privacy and confidentiality;</li> <li>• access to stored personal information;</li> <li>• the right to choose an advocate;</li> <li>• to have all consumer's comments valued</li> <li>• the right to make a complaint and to have this complaint dealt with appropriately.</li> </ul>
<b>Key Principles</b>	<p>Care Assess will accept, respect and protects the following general rights of consumers:</p> <ul style="list-style-type: none"> <li>• to be treated and accepted as an individual, and to have individual preferences respected</li> <li>• to be treated with dignity, with privacy respected</li> <li>• to receive care that is respectful of the consumer.their my family and home</li> <li>• to receive care without being obliged to feel grateful to those providing care</li> <li>• to full and effective use of all human, legal and consumer rights, including the right to freedom of speech regarding care</li> <li>• to be treated without exploitation, abuse, discrimination, harassment or neglect</li> </ul>

<p><b>Policy</b></p>	<p>At every stage of care provision, Care Assess will comply with legislative requirements stipulated in the <i>Aged Care Act 1997</i> to ensure consumer rights are protected.</p> <ul style="list-style-type: none"> <li>• Consumers will be made aware of their rights, will be aware of their various care options and will be provided every opportunity to make informed decisions.</li> <li>• Care Assess will protect all consumers' rights by designing, managing, monitoring, evaluating and, when necessary, revising our policies, procedures and processes around these rights, as detailed in the Standards.</li> <li>• Care Assess will ensure consumers have their cultural needs respected, their social independence maintained, their dignity upheld, their confidentiality protected, their representative or advocate respected and consulted, and themselves fully informed with adequate information.</li> <li>• Care Assess will protect consumers' rights by employment qualified staff who are trained in person centred care, service coordination and in consumer directed care.</li> </ul> <p><b>Provision of Care and Services</b></p> <ul style="list-style-type: none"> <li>• Care Assess is committed to ensuring that consumers have the following rights in relation to the receipt of services as part of their care: <ul style="list-style-type: none"> <li>○ to receive reliable, coordinated, safe, quality care and services which are appropriate to assessed needs,</li> <li>○ to be given before, or within 14 days after the consumer commences receiving care, a written plan of the care and services that the consumer can expect to receive,</li> <li>○ to receive care and services as described in the plan that take account of my lifestyle, other care arrangements and cultural, linguistic and religious preferences,</li> <li>○ to ongoing review of the care and services the consumer receives (both periodic and in response to changes in my personal circumstances), and modification of the care and services as required.</li> </ul> </li> <li>• Care Assess will protect consumer rights in relation to the provision of care and services by ensuring: <ul style="list-style-type: none"> <li>○ Reliable, coordinated, safe, quality care and services are delivered by our adherence to best practice under the Quality of Care Principles (1997) which provides the Community Care Common Standards (CCCS) for review of outcomes to achieve quality control.</li> <li>○ Consumers participate in the development of the Care Plan, which is always given, in writing to the consumer before, or within 14 days after the consumer commences receiving care.</li> <li>○ Care Assess ensures that the consumer receive care and services as described in the plan that take account of my lifestyle, other care arrangements and cultural, linguistic and religious preferences.</li> <li>○ Care Assess will ensure that consumers receive ongoing review of the care and services (both periodic and in response to changes in my personal circumstances), and modification of the care and services as required.</li> </ul> </li> </ul>
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	<p><b>Security of Tenure</b></p> <ul style="list-style-type: none"> <li>• Security of Tenure is guaranteed by Care Assess for each consumer of our Home Care Package Programs under the Act (User Rights Principles).</li> <li>• Care Assess will ensure we uphold our responsibility to provide, and consumer’s right to security of place/tenure for the consumer’s place in our home care package programs and security of place will be protected.</li> <li>• Continuity of care will be maintained by ensuring long term future financial viability of Care Assess, through effective financial management.</li> <li>• Home Care Packages Program Guidelines will be followed to re-allocate a consumer only under specified reasons and as approved by the Secretary.</li> </ul> <p><b>Procedures</b></p> <p>Care Assess will have in place procedure(s) in place in line with this Policy to ensure the protection of consumer rights and to ensure that information about these rights is communicated to consumers, for example procedures will be in place to:</p> <ul style="list-style-type: none"> <li>• facilitate consumer feedback mechanisms including client satisfaction measures</li> <li>• provide effective information to consumer about their human legal and consumer rights, in the form of a booklet outlining rights and responsibilities for consumers.</li> </ul> <p>Mandatory Procedures that must be in place include (but not limited to):</p> <ol style="list-style-type: none"> <li>1. Equity of Consumer Access (Expected Outcome 2.1)</li> <li>2. Consumer Intake, Assessment, Planned and Appropriate Care, Reassessment, Review and Referrals</li> <li>3. Security of Tenure (User Rights Principles)</li> <li>4. Advocacy (Users Rights Principles)</li> <li>5. Communication of Consumer Information (Charter)</li> <li>6. Consumer Participation (Charter)</li> <li>7. Consumer Confidentiality, Privacy, Personal Information, Consent and Information Management (Charter)</li> <li>8. Consumer Comments and Complaints (Charter)</li> <li>9. Consumer Fees (Charter)</li> <li>10. Consumer Independence (Expected Outcome 3.5)</li> </ol> <p>All of these procedures will involve process that must be incorporated into daily business processes of Care Assess.          These processes will be supported by a continuously improving Policy and Procedure Manual available to all staff with access via a company Intranet; supported by the orientation and training program; and monitored and audited by the Management Team.</p>
<p><b>Scope</b></p>	<p><b>Category of Staff</b></p> <ul style="list-style-type: none"> <li>• Board of Directors</li> <li>• Chief Executive Officer</li> </ul>

	<ul style="list-style-type: none"> <li>• Members of Management Team</li> <li>• Regional Team Leaders</li> <li>• Service Coordinators</li> <li>• Administration staff</li> <li>• Subcontractors</li> <li>• Staff of subcontractors providing Services</li> </ul>
<b>References</b>	<ul style="list-style-type: none"> <li>• <i>Aged Care Act 1997</i> (“the Act”)</li> <li>• User Rights Principles.</li> <li>• <i>Charter of Rights &amp; Responsibilities for Home Care</i> (“Charter”)</li> <li>• Home Care Standards - Community Care Common Standards (“CCCS”),</li> <li>• Service User Rights and Responsibilities</li> <li>• Quality of Care Principles 1997.</li> </ul>
<b>Community Common Care Standards</b>  <b>EQUIP 5</b>  <b>National Safety and Quality Health Services Standard</b>	<ol style="list-style-type: none"> <li>1. Equity of Consumer Access (Expected Outcome 2.1)</li> <li>2. Consumer Intake, Assessment, Planned and Appropriate Care, Reassessment, Review and Referrals</li> <li>3. Security of Tenure (User Rights Principles)</li> <li>4. Access by Consumer Advocates (Users Rights Principles)</li> <li>5. Communication of Consumer Information (Charter)</li> <li>6. Consumer Participation (Charter)</li> <li>7. Consumer Confidentiality, Privacy, Personal Information, Consent and Information Management (Charter)</li> <li>8. Consumer Comments and Complaints (Charter)</li> <li>9. Consumer Fees (Charter)</li> <li>10. Consumer Independence (Expected Outcome 3.5)</li> </ol>
<b>Associated Documents</b>	<ul style="list-style-type: none"> <li>• Procedure – Protecting Consumer Rights</li> <li>• Equity of Access Policy</li> <li>• Confidentiality Policy</li> <li>• Privacy Policy</li> <li>• Client Health Care Records Policy,</li> <li>• Clients Right To Access Information Policy,</li> <li>• Induction Policy And Procedure</li> <li>• Staff Training And Development Policy</li> <li>• Records Management Policy,</li> <li>• Contract Management Policy,</li> <li>• Anti-Discriminatory And EEO Policy</li> <li>• Client Complaints And Feedback Policy,</li> <li>• Dispute Policy And Procedure</li> <li>• Communications Policy,</li> <li>• Advocacy Policy</li> <li>• Client Consent Policy</li> </ul>

**Status:** Draft

**Date Implemented:** 18/9/2013

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**Endorsed by:** Joe Towns, Chief Executive Director

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