



Your rights and residential aged care

A checklist based on the Statement of Rights



How to use this document

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Contact OPAN if your rights aren't being respected or your care is being discussed without your approval.

This document provides a list of **practical considerations and questions** to ask throughout your experience with residential aged care - from moving in to moving out.

Based on the Aged Care Act 2024's **Statement of Rights**, and the principle of supported decision-making, this document can be a useful tool to ensure your legally-protected rights are being respected throughout every step of the journey through residential aged care.

Consider and tick off each question as you come to it, and use the last page to add any notes. If you need further assistance with understanding your rights or you require advocacy support, **call OPAN on 1800 700 600**.



Your communication needs and preferences

You have the right to have your **communication needs and preferences** respected.

This includes your preferred language, time of day you have most energy, venue you feel most comfortable, mobility requirements, as well as any cognitive, hearing or vision requirements.





Looking for aged care services

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Consider the below questions

Is promotional material focused on you instead of someone other than you?

Is the focus on getting you information about a range of aged care service options, rather than someone else?

Have you been asked about the best way to **present and get information to you?**

- This could include preferred language, or whether you would prefer mail, phone, email or a face-to-face visit.



Is the professional discussing your aged care options communicating directly with you, rather than with someone else? Are they treating you like an equal adult?





Tours and initial meetings

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Consider the below questions

Have you been asked about your **communication needs and preferences** prior to any meetings or tours?



Has the meeting or tour been adapted taking these **communication needs and preferences** into account?



Has the initial tour or meeting been designed and adapted to accommodate your current living situation?

- This could include a visit to you in hospital, rehab or respite.

If you are unable to attend a meeting in relation to your aged care services, have you been offered a recording of the meeting?





Service agreements

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Consider the below questions

Has the service agreement meeting been adapted to meet your **communication needs and preferences**?



Has the meeting been adapted to accommodate your current living situation? For example, a visit to you in hospital, rehab or respite.

Is the service agreement fair?

Is it written in plain language?

Is it provided to you in a style and format that you understand?

Is it written in your preferred language and/or are you provided with an independent interpreter to assist you in understanding it?

Are the financial options and arrangements explained to you in a way you understand?



Preparing to move in

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Consider the below questions

Has pre-admission information and documentation been provided to you personally, **in a format that works for you** and via a delivery-method that you have approved?



Have your **communication needs and preferences** for day 1 been confirmed with you?



Have you been asked privately about whether you want someone else involved in the assessments on your first day, or whether you would prefer to do those later on your own?

Have you been offered a range of options for a smooth transition into residential aged care?

- This could include respite, or an option for a slower transition such as attending activities or meals before moving in.

Have you been assured that you can keep your current doctor after you move into residential aged care and that the transfer of your medical information, including medication, will be taken care of by the provider?





Settling in

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Consider the below questions

Have your **communication needs and preferences** been accommodated?

- This includes all interactions, information provision, assessments and orientation methods.



Has your preference about the involvement of others been respected from day 1?

Do you feel you are able to make decisions with long-term ramifications at your own pace, with time afforded to settle in and fully understand your rights?

Is it clear to you that you can change your mind about the initial information you provided, including the level of family involvement and/or your ongoing preferences for support with decision-making?

Do you feel, from the moment you first arrive, that people treat you as an equal adult with protected rights and that they recognise that you are the one in control of your own life? Do they speak directly with you?

Has it been made clear to you and your support network that staff who have been trained in a range of communication methods will respect your ongoing decisions and preferences?

Have you been informed that your private information does not need to be shared with others and that legal powers are not activated simply because you have moved into residential aged care?





Personal Care

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Consider the below questions

Do you feel you have control over when you are offered support with personal care and how that is carried out?

- This includes what time you wake up, shower and dress, what you wear, and when you go to bed.

Are you confident that you will not be forced to receive personal care?

Are you given consistent care workers, who can get to know you well and understand your preferences, identity and **communication needs**?



Are you given input into who these care workers are and the opportunity to provide feedback on them regularly? Have your gender preferences regarding your care workers been respected?

Is any distress you may have around the provision of personal care dealt with sensitively? Are you provided with a range of options, including to choose who you feel comfortable with supporting you?

Are your personal belongings treated with respect? Do you feel confident that staff never touch or adjust your clothing, mobility aid, hearing aid or glasses without your permission?

Do staff treat you as an equal adult with protected rights, and recognise that you are the one in control of your own life?

Do staff use your preferred name?





Clinical Care

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Consider the below questions

Have all clinical conversations, assessments and evaluations taken into account your **communication needs and preferences**, as well as your preferences regarding information sharing?



If you experience distress, anxiety or agitation, do the team around you focus first on how they can improve the support provided to you and whether your rights are being upheld?

Do you have access to a range of health, allied health and recreational professionals?

- This includes access to your own GP, as well as specialists via telehealth when appropriate.

Do you feel informed about and in control over your medication? Do you feel confident that mistakes won't be made?





Feedback

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Consider the below questions



Are you offered a range of ways to have input into the care and services you receive?

- This includes consumer advisory groups, audits, resident meetings, access to independent advocates, complaint mechanisms and surveys.



Have accommodations been made to ensure that the above methods of providing input maximise your independent involvement?

This means that the methods offered:

- Respect and accommodate your **communication needs and preferences**
- Are not discriminatory or one-size-fits-all.





Your environment

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Consider the below questions

Is your private room kept neat and clean?

Are common areas in the living environment kept neat and clean?

Do the common areas in the living environment respect your equal adult status?

- This means they avoid institutional features and instead reflect age appropriate design, furnishings, and resources.





Dining

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Consider the below questions

Do you enjoy the meal options and have opportunities to provide feedback on your dining experience?

Are you offered meals that match your preferences, including your cultural and spiritual preferences?

Are you offered choices about where you will have your meals including in the dining room or in your own private room?

Are meals offered at flexible times?

Are you physically shown your food options (photographs or actual plates) so you can understand what is offered?

Are drinks and snacks available throughout the day and evening?





Social and recreational

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Consider the below questions

Are you offered a range of social and recreational opportunities both within the residence and in the broader community?
Are these available in both one-to-one and group contexts?

Do the available activities and outings meet your cultural and spiritual preferences?

Are activities and outings designed to accommodate your abilities or disabilities?

- For example, outings must be equally available to you if you live with dementia or if you require mobility aids.

Do you feel confident in your ability to opt out of a particular activity?

Do you have access to your own financial resources to undertake additional recreational, social and cultural activities (outside of what the organisation offers)? Are you provided with options and costings to easily hire a care worker to support these additional activities?

Are visitors and/or advocates you have approved always allowed to visit you (even when in lockdown)?

Are your pets allowed to visit, and are you supported to visit them?

Is your right to form or maintain intimate relationships, and your privacy in relation to doing so, respected and supported?.





Transition support

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Consider the below questions

Are you confident that you would be able to move to another provider if you chose to?

Have you been assured that if you do choose to move to another provider, or back home, the transfer will be supported, including the prompt transfer of medical information to relevant health care professionals?

Are you confident that you won't be forced to move between sections in your aged care residence if you do not want to?

Do you feel that you would be supported to move to another area of the residence if you chose to?

- This includes being offered the opportunity to experience meals or activities in that area first, so you can settle in or decide whether to make the move.





Palliative care and end-of-life care

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Consider the below questions

Do you feel confident that your own preferences for palliative and end of life care are sought, and will be implemented?

Do you feel confident that there will be a professional team supporting your quality of life in line with your preferences and ongoing physical, psychosocial, spiritual and cultural needs?

Are you confident that adaptations will continue to be made to meetings and discussions to support your ongoing involvement?

Have you been assured that your pain will be managed well and that pain relief will be available 24/7 when you need it?

Do you feel confident that others around you will recognise the profoundly sacred and unifying nature of the end-of-life experience?

Do you believe that your dignity will be the focus of palliative and end-of-life care?

- This includes visitors being asked to leave the room when personal care is attended to and that the tone and language used when you are asleep is sensitive to and respectful of your presence.



