

# Residents Rights

<b>System</b>	Health and Wellness
<b>System owner</b>	Health and Wellness Manager
<b>Reference/s</b>	Aged Care Act 1997 - User Rights Principles (Residents Rights) NDIS Provider Code of Conduct

## Purpose

1. The purpose of this policy is to ensure that resident rights as outlined in the Aged Care Act 1997 (User Rights Principles) and the NDIS Provider Code of Conduct are respected.

## Policy

2. Benevolent Living (Benevolent) is committed to ensuring that all residents retain their personal, civic, legal and consumer rights, and are assisted to achieve active control of their own lives within the residential care service and in the community.

## Residents Rights

3. Residents Rights and Responsibilities are regulated under the Aged Care Act 1997 (User Rights Principles). Residents of residential aged care have 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, and personal and social life, including where the choices involve personal risk
  - Have control over, and 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

- o Complain free from reprisal, and to have my complaints dealt with fairly and promptly
  - a. personal privacy and to have my personal information protected
  - b. exercise my rights without it adversely affecting the way I am treated

### Safe, High Quality Care

4. Benevolent has established a Care Governance Policy supported by a Care Governance Framework to ensure safe, high quality care.
  - [Care Governance Policy HW-01](#)
  - [Care Governance Framework MA-21](#)
5. A system or quality monitoring is in place to monitor quality of care.
6. Care incidents are reported via Benevolent's incident management system and data used to drive improvements in the quality and safety of care.
  - [Incident Management \(Resident Care\) HW-37](#)

### Dignity and Respect

7. Dignity and respect are central to Benevolent's values and staff conduct.
8. Staff receive training in relation to our values and the staff code of conduct at the commencement of employment.
  - **Benevolent Values**
    - Integrity:** Acting ethically, justly, and honestly
    - Honour:** Valuing and honouring all
    - Empathy:** We will walk the journey with you
    - Inclusive:** Ensuring people feel safe, respected and comfortable being themselves.
    - Creativity:** Challenging ourselves to find the best solutions
  - Policy [Code of Conduct – SM-04](#)
9. Benevolent's care management system and care policies are closely aligned to the principles of dignity and respect.
10. The degree to which residents feel they are treated with dignity and respect is monitored through resident experience surveys.

### Identity, Culture and Diversity

11. Benevolent values and fosters diversity and inclusive care.
12. Our approach to providing inclusive care is set out in the policy [Diversity – Inclusive Care HW-07](#).
13. Our approach to ensuring the residents receive culturally safe care is set out in the policy [Culturally Safe Care HW-11](#).
14. Our approach to recognising and respect sexual and gender diversity is set out in our policy [Sexual and Gender Diversity HW-10](#).

### Abuse and Neglect

15. Benevolent is committed to ensuring the residents are free from abuse and neglect – from Benevolent staff or others.
16. Our approach to preventing and managing abuse and neglect is set out in the policy [Elder Abuse – HW-32](#).

### Information

17. Benevolent is committed to ensuring the residents are informed about their care in a way they understand.
18. Residents are supported to make informed decisions in all aspects of their care and if they do not have the capacity to make health care decisions, authorised substitute decision-makers are engaged in the care process. See policy [Choice and Decision-making HW-06](#)
19. Benevolent has a resident-centered approach to care. Assessment and care planning is under taken in partnership with residents and/or their representatives as outlined the policy [Resident Care Process HW-05](#).
20. Information is communicated to residents in a way they can understand. Our approach to ensuring residents are able to understand information about care and services is set out the policy [Resident Information HW-03](#).

### Access to Information

21. Information about care and services and residents rights is communicated to residents via the Resident Agreement and the [Resident Handbook HW-03-05](#).
22. Our approach to ensuring that residents have access to the information they need is set out in the policy [Resident Information HW-03](#).

### Choice and Control

23. Benevolent is committed to ensure that residents have high levels of choice and control over the care and services they receive.

24. Our approach to care ensures that assessment and care planning is undertaken in partnership with each resident or their representative.
25. Residents right to decline care is respected as outlined in our policy [Choice and Decision-making HW-06](#).
26. Our approach to ensuring residents are able to make informed choices about taking risks is outlined in our policy [Care Risk Management HW-12](#) .
27. The degree to which residents feel they have choice and control is monitored through resident experience surveys. The survey results are reviewed within the quality systems framework.

### Independence

28. Benevolent is committed to ensuring residents are as independent as possible, to the extent they are able and wish to be independent.
29. Resident wishes and preferences in relation to remaining independent are identified and incorporated into resident care plans.
30. Residents are encouraged and supported to regain functional skills through rehabilitation programs.

### To Be Heard

31. Benevolent has a resident-centered approach to care. Assessments and care plans are developed in close partnership with residents. Residents goals are the basis of care planning.
32. Where a resident does not have capacity, an authorised substitute decision-maker will be identified and engaged on the resident's behalf. See policy [Choice and Decision-making HW-06](#) .
33. Residents are encouraged to attend resident meetings to express their views about the way the facility is run.
34. Benevolent actively seeks feedback from residents about their experiences and uses this data to continually improve care and services.

### Advocacy and Representation

35. Benevolent actively facilitates resident's access to advocates where requested. Our approach to facilitating advocacy is set out in our policy [Complaints Management MA-10](#).
36. Where a resident does not have capacity, an authorised substitute decision-maker will be identified and engaged on the resident's behalf. See policy [Choice and Decision-making HW-06](#) .

## Feedback and Complaints

37. Benevolent actively seeks feedback from residents about their experiences and used this data to continually improve care and services. Our approach to resident feedback is set out in the policy [Resident Feedback and Engagement MA-18](#).
38. We welcome comments and complaints from residents. Complaints are investigated and responded to in a timely manner. Our approach to managing complaints is set out in our policy [Complaints Management MA-10](#)

## Privacy

39. Benevolent is committed to ensuring residents have both physical privacy, within the Benevolent community and information privacy in relation to their personal information.
40. Our approach to ensuring physical privacy is set out in our Care Management policies. Our approach to ensuring information privacy is set out in our [Information Privacy Policy MA-08](#).

## Exercising Rights

41. Residents are actively encouraged to exercise their rights and can do so without fear of reprisal. Benevolent values feedback from residents and actively seeks opportunities to enhance the quality of life of residents.

## Change Register

Date	Amendment and Reason for Amendment
Oct 2015	Review of policy to separate Residents Rights and Resident Lifestyle Policy. Additionally, information that was identified as deficient has been added around the Disclosure Statement and Resident Agreements.
1/7/2019	Policy Review to align to amendments to the User Rights Principles (revised Charter of Residents Rights).
19/05/2021	Scheduled policy review, add reference to NDIS Code of Conduct, include Policy registration codes and correction of minor grammar errors.

Approval Date	Designation	Signature
19/05/2021	Health and Wellness Manager	Helen Cleary