



Code of Conduct for Aged Care

Consumer guidance



Code of Conduct for Aged Care

About this guidance

This guidance tells you about your right to be treated well and receive safe and high quality aged care. It describes a new Code of Conduct for Aged Care (the Code) and what it means for you. This guidance also has information about what you can do if you feel your aged care provider¹ or the people providing your care are not meeting the Code.

You have a right to be treated well and to receive safe and high quality care

What is the Code of Conduct for Aged Care?

The Code describes how aged care providers and the people providing your care must behave and how you should be treated. If you feel like the people providing your care are not meeting the Code, you have a right to complain. The Aged Care Quality Safety Commission (the Commission) can also take action to deal with behaviour that does not meet the Code.

¹ The term 'provider' or 'aged care provider' is used to refer to approved providers of aged care, as defined in the *Aged Care Quality and Safety Commission Act 2014 (Commission Act)*.

The Code of Conduct for Aged Care

People who provide care, supports and services in the aged care sector must:

- a) act with respect for people's rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions
- b) act in a way that treats people with dignity and respect, and values their diversity
- c) act with respect for the privacy of people
- d) provide care, supports and services in a safe and competent manner, with care and skill
- e) act with integrity, honesty and transparency
- f) promptly take steps to raise and act on concerns about matters that may impact the quality and safety of care, supports and services
- g) provide care, supports and services free from:
 - (i) all forms of violence, discrimination, exploitation, neglect and abuse
 - (ii) sexual misconduct
- h) take all reasonable steps to prevent and respond to:
 - (i) all forms of violence, discrimination, exploitation, neglect and abuse
 - (ii) sexual misconduct.

Who does the Code apply to?

The Code applies to approved providers of residential, home and flexible care funded by the Australian Government, as well as aged care workers and governing persons of approved providers.

Aged care workers include all staff who are employed or engaged by a provider such as managers, care workers, gardeners, cleaners and office staff. Aged care workers also include people employed or engaged by contractors and sub-contractors (such as casual staff or agency staff) of the provider and volunteers of the provider.

Governing persons include, for example, board members, Chief Executive Officers and people who have responsibility, or significant influence over planning, directing or controlling the activities of the provider.

Providers must help aged care workers and governing persons to understand and follow the Code.

What can I expect under the Code?

You should be treated well and feel safe, always

Your aged care provider and the people who provide your care must act in a way that is respectful, kind and consistent with the behaviours set out in the Code. For example, when you are provided with care, you can expect to:

- be informed, listened to and able to make decisions
- be respected and valued for who you are
- be able to express yourself freely
- be given information in a way you can understand
- have your privacy maintained
- be spoken to with kindness and respect
- have your care provided by people who are careful and thoughtful
- have your care provided by people who are honest and trustworthy
- have your care provided by people who are properly trained and competent at their job
- have the chance to give feedback or make a complaint about your care, without any fear of retribution or negative impacts on your care
- be safe and free from all forms of harm.

Your human rights do not erode as you get older

Your fundamental human rights stay with you throughout life. These rights are about being treated fairly, being able to hold your own beliefs and make genuine choices in your daily life. Aged care providers and workers are expected to respect your rights.

What behaviours are not acceptable under the Code?

Some behaviour is not acceptable

Everyone will experience care differently – what is disrespectful to one person, may not be to another. However, there are certain behaviours that are unacceptable in all circumstances.

It is not acceptable if the people who provide your care:

- disrespect or judge you
- speak rudely or aggressively to you
- make you feel uncomfortable or embarrassed

- intentionally isolate or exclude you
- tell you that you should be grateful for their help or care
- disrespect your identity or diversity
- violate your privacy
- hurt you, discriminate against you or make you feel unsafe or vulnerable
- are dishonest or lie to you
- deny your ability to communicate
- treat you badly or punish you in any way for making a complaint or raising a concern
- abuse you in any way.

For more information about how the Code requires approved providers and their governing persons and aged care workers to behave when providing you with care, supports and services, you can read the guidance for providers and workers on the Commission's website: agedcarequality.gov.au/reforms#new-code-of-conduct-for-aged-care.

If you feel disrespected or treated poorly, you should raise it with your worker, aged care provider or the Commission.

How does the Code work alongside other provider responsibilities?

The Code is one of many requirements in the law that ensure you are treated well and feel safe

Under the aged care law, providers have a number of responsibilities. For example, providers must act consistently with the Charter of Aged Care Rights, which includes a number of concepts similar to those described in the Code. Providers must also comply with the Aged Care Quality Standards, which include requirements around matters such as how staff treat older people, governance, complaints and care planning and delivery.

What if I have concerns about my care or the way I am being treated?

You can be a voice for change

If you are concerned about the way your aged care provider or the people who provide your care are behaving towards you or someone else, it is important to speak up. Tell someone about it so action can be taken to protect you and others.

If you feel comfortable to do so, you or a representative can talk directly with your aged care provider. This can be a good way to resolve issues quickly, especially if your aged care provider was not aware of your concerns. If you don't feel comfortable to raise it yourself, there is help available (see below).

When the Commission receives complaints about care (or undertakes audits of aged care services) we look at whether the provider is complying with its responsibility to provide safe and quality care. Your complaints help the Commission to identify issues, raise these with providers and improve care for you and others.

You have a right to speak up without fear of reprisal

Under the aged care law, all aged care providers must have feedback and complaints systems. Your concern must be taken seriously and any complaint or concern you or a representative raises must be handled fairly and promptly.

How can I get help to raise a concern?

You will be supported to raise concerns and access information

If you want further information on your rights, feel uncomfortable raising your concerns with your aged care provider or you would like some support, there are people who can help.

You could ask a friend or family member to help you raise a concern directly with your aged care provider or you can involve an independent advocate, at no cost.

You can contact the Older Person Advocacy Network (OPAN) to be connected to a local, independent advocate by using OPAN's [online form](#) or calling **1800 700 600**.

An advocate can help you make informed decisions about the care experience you want, switch between services or talk to your aged care provider about any issues of concern.

You can also raise your concerns with the Commission by:

- calling **1800 951 822** (free call) for all enquiries
- sending an email to info@agedcarequality.gov.au
- using the online form
- sending a letter to Aged Care Quality and Safety Commission, GPO Box 9819, in your capital city.

You can raise issues confidentially, if you feel more comfortable doing so.

If you need an interpreter, you can tell the aged care advocate or the Commission. You can also call a translating service and ask them to transfer you to us on **1800 951 822**.

- Translating and Interpreting Services (TIS): Call **131 450**
- Aboriginal Interpreter Service (AIS): Call **1800 334 944**
- Aboriginal Interpreting Western Australia: Call **(08) 9192 3981**.

If you are hearing or speech impaired, you may wish to make contact through the National Relay Service:

- TTY users: Call **1800 555 677** then ask for our number 1800 951 822
- Speak and Listen users: Call **1800 555 727** then ask for our number **1800 951 822**

Internet relay users: Connect to the National Relay Service and enter **1800 951 822**.

Case study

Michael has overheard an aged care worker share personal information about him and laugh about it with other people. Michael is upset by this and raises his concerns with the manager of the aged care service where he lives. The manager dismisses Michael's concerns and says only written complaints can be acted on. Both the aged care worker and the manager have behaved in a way that does not meet the Code. Michael can contact the Commission or an advocate to help him with his concern.

What can the Commission do?

We will listen and take action where you raise concerns

We can help you with your concerns by working with you and your aged care provider (or with the relevant aged care workers or governing persons of the provider) to try to resolve the matter.

We will be fair to you and anyone else involved, including the approved provider or their workers or governing persons. You do not need to be concerned that our role in assisting you with a complaint or concern will affect how you are treated or what care and services you will receive after you raise a concern.

If we find that people who provide your care have behaved in a way that does not meet the Code, we will speak with them about this and may require them to take action. The action we require them to take will vary, depending on the circumstances. For example, this might include apologising to you or taking steps to prevent it from happening again.

Sometimes we may refer information to another body, such as the police, a professional regulatory body or state or territory health complaints body.

In some cases (especially where conduct is repeated, intentional or abusive), we may find that the people involved are not suitable to work in aged care. In these instances, we can ban them from continuing to work in aged care.



Where can I get more information?

You can get more information about the Code, your rights and how to make a complaint:

- from your aged care provider
 - they are required by law to support you to understand your rights (including under the Charter) and to have a system for supporting older people to make complaints
- by contacting the Aged Care Quality and Safety Commission on **1800 951 822** (free call), sending an email to: info@agedcarequality.gov.au or visiting our website: agedcarequality.gov.au
- by visiting the My Aged Care website: myagedcare.gov.au
- by visiting the Older Persons Advocacy Network website: opan.com.au.

The Aged Care Quality and Safety Commission acknowledges the Traditional Owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to Elders both past and present.

November 2022



Phone

1800 951 822



Web

agedcarequality.gov.au



Write

Aged Care Quality and Safety Commission
GPO Box 9819, in your capital city