



COVID-19 restrictions in residential aged care – your rights

A fact sheet for aged care residents, their families and representatives

20 September 2022

To reduce the risk of COVID-19 infection at your residential aged care service, visitor access may at times be restricted through state and territory public health orders. This fact sheet helps you and your family understand your rights and the responsibilities of your service provider when this occurs.

Why are visitor restrictions used?

Where there is increased spread of COVID-19 in the community, a public health order might be issued requiring residential aged care services to reduce the number of visitors or even exclude visitors for a period of time.

Restrictions are important to reduce the risk of transmission to residents who are particularly vulnerable to severe illness from COVID-19. This is the case even where many or most residents have been vaccinated against COVID-19.

When the risk of COVID-19 transmission is low, and there are no official restrictions to visitor access, services should not limit the length of visits or restrict visiting times that prevent residents from having visitors. This includes, for example, people being able to visit after hours if they are unable to visit during business hours.

You can find out whether there is a public health order in place in your state or territory by searching online for '[include name of STATE] COVID public health order'. (They are also called public health directions and state of emergency declarations in some states.)

What are my rights when visitor restrictions are in place in my service?

At all times, including when public health orders and visitor restrictions are in place, aged care services are legally required to ensure that the rights of residents are respected, including those rights in the Charter of Aged Care Rights.

Aged care services are also required to provide care that meets the Aged Care Quality Standards. This includes making sure that residents have the opportunity and assistance to stay connected with their loved ones.

Visit the COTA website for the latest updates on the industry code for visiting residential aged care homes, including an 'Essential Visitor' policy which permits residents to always have at least one visitor, regardless of the COVID-19 outbreak status.

If a service has restricted visiting arrangements in place, you can ask the service:

- What advice have you followed in setting your visitor access arrangements?
- Are your visitor access restrictions consistent with the COTA industry code for visiting in aged care homes?
- Is access allowed for compassionate reasons or for essential care visitors/partners in care?
- What arrangements are in place for residents to maintain contact with loved ones?
- How are you ensuring the rights of your residents under the Charter of Aged Care Rights?



Are there any exemptions to visitor restrictions?

When a public health order requires residential aged care services to restrict visitor access, there are usually exemptions for specific sorts of visitors. Typical exemptions include visiting a resident on compassionate grounds such as a loved one receiving end of life care or to provide 'essential care'.

An essential care visitor, or partner in care, is someone who frequently and regularly visits a resident to provide essential care and companionship to that person. It does not include a casual visitor, a visitor not providing an aspect of care, or a visitor who the resident does not want to receive. The Commission fact sheet [Partnerships in Care](#) provides more information.

What do I need to do to visit if I am exempt from the restrictions?

If you are a visitor who is exempted from the exclusion requirements of a public health order, and you have confirmed with the residential service that you are eligible to enter the facility, you will have to comply with certain conditions of entry. These include:

- where you can go inside the building
- wearing a mask and possibly other personal protective equipment
- observing hand hygiene requirements.

There will also be a screening process prior to and/or on arrival which could include:

- signing in and out
- a temperature check
- making a declaration about whether you have had contact with a COVID-positive person
- making a declaration regarding your COVID-19 and influenza vaccination status and whether you have any COVID-19 symptoms.

Screening processes are important to ensure that residents are kept safe from the risk of COVID-19 infection.



Are there any restrictions on residents leaving an aged care service?

Where there is no public health order in place, an aged care service that restricts a resident's movements within or outside the service may be acting in a way that is inconsistent with the resident's rights, including under the Charter of Aged Care Rights.

If a service is preventing you from leaving the service or is requiring you to isolate on your return, you can ask the service:

- Are these restrictions based on a public health order?
- Are they consistent with the Industry Code for Visiting in Aged Care Homes?
- How are you ensuring my rights under the Charter of Aged Care Rights?

If public health orders restricting movement outside of the home return for the general community, the same restrictions will apply to aged care residents. Aged care residents would only be able to leave their service for one of the reasons specified in the public health order.

Each residential aged care facility should undertake its own risk assessment for residents who return after leaving the service for a permitted reason.

In general, there should be no requirement for a resident to isolate in their room after leaving the service for a permitted reason, unless this is required under medical advice (such as waiting for a negative RAT or PCR test result) or a public health order.

What can I do if I have concerns?

You have the right to raise concerns with your service about any COVID-19 restrictions.

If you are not able to resolve your concerns directly with the service, you can seek support from an advocate through the Older Persons Advocacy Network (OPAN) by phoning **1800 700 600**.

You can also make a complaint to the Aged Care Quality and Safety Commission by:

- calling us on **1800 951 822** (free call) between 9:00 am to 5:00 pm (AEST) Monday to Friday or you can leave a message outside these hours
- visiting our website at **www.agedcarequality.gov.au** and lodging a complaint online at any time.

If you lodge a complaint with us, you can decide if you'd like to raise your complaint openly or confidentially. You can also lodge a complaint anonymously, although this means we cannot provide you with feedback on the action taken in response to your complaint.



Phone

1800 951 822



Web

agedcarequality.gov.au



Write

Aged Care Quality and Safety Commission
GPO Box 9819, In Your Capital City

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.