

Response ID ANON-E7E3-8PZR-8

Submitted to **The draft Charter of Aged Care Rights**

Submitted on **2018-10-08 16:13:59**

Tell us about you

1 What is your name? (Optional)

Name:

Aleksandra Zivkovic

2 What is your email address?

Please provide your email address:

aleksandra@fecca.org.au

3 Are you providing comments on behalf of an organisation? If so, please provide your organisation's name.

Organisation's name:

Federation of Ethnic Communities Councils of Australia FECCA

4 Do you give consent for your submission to be published in whole or in part?

Yes

5 Do you give consent for your name to be published?

Yes

6 What role best describes you? Please select all that apply.

Peak body - consumers

Please specify other role if not listed:

7 Where do you live, or where does your organisation operate? Please select all that apply.

ACT

8 What is your location, or the location where your organisation operates? Please select all that apply.

Metropolitan

9 If you are a consumer, do you identify with any of the following groups?

People from culturally and linguistically diverse (CALD) backgrounds

10 If you are commenting on behalf of an organisation, does your organisation provide support or services to any of the following groups? Please select all that apply.

People from culturally and linguistically diverse (CALD) backgrounds

11 If you are an aged care service provider, please select all the types of care your service delivers.

About the draft Charter

General comments about the draft Charter

12 Does the Charter cover what you think is important?

No

If no, please specify:

It is FECCA's view that the draft Charter mostly covers what is important. However, we would prefer to have the right "to live without discrimination or victimisation" included in the Charter. Also, the current charter includes the right "to continue his or her cultural and religious practices, and to keep the language of his or her choice, without discrimination". We believe that this right should be retained in the Single Charter, as we feel it is not expressed explicitly enough in the current draft which states "have my identity, culture and diversity valued and supported". We fear that CALD consumers will require further clarification to understand that valuing and supporting culture will translate to them being able to continue with their cultural and religious practices and not being discriminated

against because they are not proficient in English.

To FECCA this is important and we base our view on the feedback received from CALD consumers who often suffer discrimination in their dealings with aged care providers who are not CALD specific. FECCA has heard stories from individuals who were ridiculed for practices that form part of their cultures, who were expected to feel grateful to their aged care providers because of the low cost (according to the providers) they were paying for their services or who were shouted at and abused because they couldn't understand what they were being told due to low English language skills.

FECCA raised this issue during the consultations on the draft Charter and we were informed that the discrimination was deliberately left out because it is covered by another piece of legislation and is handled by the Australian Human Rights Commission/Race Discrimination Commissioner. It is FECCA's firm view that the Single Charter should include discrimination. Leaving it out of the Charter can prove to be an issue because older CALD consumers have low aged care literacy in Australia and generally have low understanding of the complaints processes. Also, we know that the aged care sector will generally focus on the Charter only. With discrimination being excluded, CALD consumers would then have to know/be informed of their right to complain to the Race Discrimination Commissioner. Yet we know from practice, that providers fail to inform the consumers of the Charter of Rights and Responsibilities that is currently in effect. Recent study by National Seniors confirms this. According to the research, 81.4% of aged care recipients have never heard of the Charter of Aged Care Recipients' Rights and Responsibilities. We can then hardly expect them to inform the consumers about their rights in regard to discrimination.

13 Does the introduction/preamble require clarification or any further information?

Yes

If yes, please provide details:

Third paragraph of the preamble states that the "Charter helps people receiving care understand how their aged care provider will work with them". It is FECCA's view that this should be rephrased. The providers do indeed work with the consumers. However, when it comes to consumers' rights, this is about the minimum level of service that all consumers of aged care services should expect to receive and it is up to the providers to make sure that consumers' rights are met. To us, this sentence should be rephrased to something like "Charter helps people receiving care understand "what is the minimum of service they can expect to receive from their aged care providers".

14 Should the Charter be phrased in the first person, 'I have the right to' or 'you have the right to'?

I have the right to

15 Are the rights in the draft Charter easy to understand?

Yes

If no, please suggest alternative wording:

16 Would you add any additional rights to the Charter?

Yes

If so, please provide details:

Yes. FECCA proposes that the right pertaining to discrimination in aged care is included in the Charter. To us this is important both from the consumer and the provider perspective. Just as we receive information that consumers are discriminated against based on their race, religion, or lack of English language skills, we also hear about aged care workers being discriminated by consumers who prefer to receive services from aged care workers from English speaking backgrounds. Having this right clearly outlined in the Charter will work towards explaining both rights and responsibilities of aged care consumers in regards to discrimination.

17 Would you remove any rights from the draft Charter? (Please select all that apply)

18 Would you change any rights in the draft Charter?

Yes

If yes, please specify which right and your suggested changes:

Yes. Consumer right under f) states "get the information I need in a timely manner". FECCA proposes to replace "get" with "receive". Also, Consumer right under j) "choose to have another person speak on my behalf" we believe should be reformulated to "have the person of my choice speak on my behalf". To us there is an important distinction between the two. If a person is unable to advocate for themselves, as we often see is the case with CALD consumers, they may choose to have that right transferred to another person. So, effectively, they can choose to have another person speak on their behalf but it is important that the person who does that is the person of their choice, regardless whether that person is a member of their family, provider staff member, lawyer or an external advocate.

Your final say

19 How else could consumers be made aware of their rights under a single Charter?

Ways of raising consumer awareness:

Consumers could and should be made aware of their rights under a single Charter through multiple channels of information sharing. The recent research by National Seniors Australia that demonstrates the low consumer awareness of the current Charter confirms this.

Firstly, the Charter should be made an integral part of the Provider-Consumer agreement on provision of services. For CALD consumers it is important that it is provided translated to the preferred language of the consumer. The translation should include not just the Charter but also the intents of each right, so that the CALD consumers could understand and engage with the Charter.

Also, we know from research that CALD consumers prefer to receive information face to face. They also prefer to receive information from trusted agents/persons

and organisations they know and trust, preferably in their own language. Organising awareness campaigns and promotion of Charter directly to the consumers through CALD specialist organisations, community support groups (CHSP funded) or through presentations at aged care facilities should work towards this end. Also, the newly announced aged care navigator service should be utilized for this purpose.

20 Do you have any other comments?

Additional comments:

No

additional information uploaded:

No file was uploaded