



A RESIDENT'S RIGHT TO MOVE

Occasionally a resident of an aged care home indicates that they wish to move to another room, move to another aged care home, or leave and return to their own home in the community. This may generate the following three responses:

1. *Family resistance*

Families are sometimes so opposed to the idea that they convey quite forcefully that the resident should not be allowed to leave. This can be to the extent where they are willing to disregard the rights of their family member.

2. *Staff concerns*

Staff may have concerns under what they perceive as their “duty of care”. Potential risks and harm that may befall the resident should they move out of the home are aired.

This concern may be used positively to provide valuable information and to indicate the types of supports and services that need to be in place if the move is to have any chance of success.

3. *Resident's feelings of powerlessness*

The resident may have feelings of despair and powerlessness at the thought of having to stay in an aged care home when they wish to return to the general community. They may experience the resistances and concerns raised as evidence that everybody is against them, and as a result of this can become defensive and feel isolated.

Consequently the resident may end up disregarding the value of the information and advice offered to them and therefore dismissing consideration of the risks of such a move.

FUNDAMENTAL RIGHTS

A resident has the fundamental right to leave the aged care home (if he or she wishes to do so). Under the “Charter of Residents’ Rights and Responsibilities” in the Aged Care Act 1997, being a resident of a home does not negate a person’s basic rights of choice and decision-making. However, these basic rights are only contestable if there is clear evidence that the individual does not have “capacity” and is therefore unable to make decisions of that level. In the absence of such a determination the resident should be supported to exercise their rights.



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OBJECTIONS TO THE PROPOSAL OF A MOVE

Family and friends may have a number of reasons why they object to the move.

- They may believe their family member will not be able to be looked after adequately in the community.
- It may have been enormously difficult for them to have the person placed in an aged care home. It may have taken considerable adjustment to accept that their family member needs to be there.
- Having come to terms with the above, the family may find it even more unsettling and difficult to accept if the person then changes his/her mind.

IF THE PROPOSAL TO LEAVE CANNOT BE REALISED

- Each situation needs to be assessed with input from the resident, and with the best outcome for the resident's long term needs considered.
- Legally the resident is presumed to have "capacity" to make the decision unless established otherwise.
- The Aged Care Assessment Team (ACAT) can reassess if the person is capable of returning to their former home with care services in place.
- The person's safety, care, finances and the availability of community services will need to be considered.
- An aged care advocate can explain the person's rights and responsibilities and ensure that his/her dignity is maintained whether they have a realistic expectation or not.



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