



DRAFT LIST OF RIGHTS AND RESPONSIBILITIES FOR CONSUMERS OF TASMANIAN HEALTH AND HUMAN SERVICES

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RIGHTS

All consumers of Tasmanian health and human services should have the following rights:

QUALITY OF CARE

To receive reliable, safe, timely and appropriate treatment, care and support.

To receive treatment, care and support that is respectful of the consumer, their family and their home.

To be treated without exploitation, abuse, discrimination, harassment or neglect.

To receive services that take account of the consumer's cultural, linguistic and religious preferences.

To expect that support, care, treatment, recovery and rehabilitation should be carried out within a coordinated and multidisciplinary framework that is appropriate to the individual's needs, consistent with the safety of the individual and others.

To a presumption of capacity.

To contribute to and participate in the development and evaluation of social and health policy

To have equal access to services that assist them to achieve a reasonable standard of health.

To live independently to the extent of their abilities and to be involved in the community.

To ongoing review of treatment, care and support received – both periodic and in response to changed personal circumstances – and modification of the services as required.

ACTIVE PARTICIPATION

To be given a copy of the service provider's Charter of Rights and Responsibilities.

To take an active role in his/her own treatment, care or support, including making decisions about those services and being responsible for those decisions.

To choose a service provider.

To be provided with information that enables the consumer to make informed decisions about his/her own treatment, care or support, including:

- diagnosis, the possible nature of the illness or disease;
- test results and their implications;
- the proposed approach to treatment, care or support, in the form of a written plan, as well as,

a) what that entails;

b) the expected benefits;

c) any likely side effects that may occur;

d) any recognised risks associated with that investigation, treatment, care or support;

- other options for investigation and/or treatment;
- the likely consequences of any treatment option available;
- the likely consequences of not having any particular treatment or procedure;
- an estimate of the costs of any particular treatment or procedure or other fees; and
- advice regarding additional services, facilities and support groups.

To have such information presented in a way that best ensures the consumer's understanding.

To be offered alternative means of information dissemination, including, among others, interpreters and/or translation services, large print or audio tapes.

To have such information provided to a guardian or person authorised by the consumer.

To take notes, ask questions and expect honest, comprehensive and direct answers in order to clarify information provided by service providers.

To take sufficient time to absorb and consider information, seek advice and additional information from other sources, and discuss issues with family, friends and supporters.

To not only be informed by the provider about his/her needs and options, but to offer suggestions and feedback and discuss these with the provider.

To choose any treatment, care or support option available and have the provider respect that decision, even if they prefer a different option.

To be given reasons for any refusal of treatment.

To be provided with decision making support, including access to an advocate where requested.

To grant, withhold or withdraw consent for treatment or performance of a procedure at any time.

To make an advance instruction.

INDIVIDUALISED SERVICE THAT IS FREE FROM DISCRIMINATION

To receive appropriate services regardless of gender, age, race, ethnicity, origin, physical or intellectual disability, religion, sexual orientation, marital or relationship status, parental status, pregnancy, family responsibilities, political belief or activity, cultural belief or activity, situation, circumstance, economic or social status, irrelevant criminal record,

irrelevant medical record, or association with any person who has any of these above attributes.

To receive services where the values and beliefs and associated judgements, attitudes, opinions and behaviours of the provider in relation to the areas listed above, do not impact on the provision of care.

To receive services free from any harassment, exploitation, abuse, deception, assault or fraud.

To receive services free from physical intimacy unrelated to the service and free from unwarranted attention of a sexual nature.

To be treated with dignity, courtesy and respect.

To have their social, economic, cultural background and gender preferences taken into consideration in the provision of treatment and care services.

To receive services where the needs, wishes and background of the consumer are known, and considered in the provision of his/her health care.

To withdraw from service provision if the provider behaves in an unacceptable way or places the consumer under duress.

CONFIDENTIALITY, PRIVACY AND SECURITY

To have his/her personal information and any matters of a sensitive nature kept confidential. No identifying information about the consumer, his/her treatment, care or support may be disclosed without his/her consent unless the disclosure is required or authorised by law.

To be informed if the provider is required to disclose information due to mandatory reporting requirements or in the public interest.

To know who may have access to his/her personal record, within the bounds of confidentiality.

To have access to his/her record.

To nominate another person who may receive information about the consumer's treatment, care or support. This person does not necessarily have to be a next of kin.

To have information about his/her treatment, care or support passed on to another provider, at his/her request.

To expect that staff of service provider organisations are bound by confidentiality agreements, and will be disciplined if these agreements are breached.

To built environment settings which ensure his/her privacy when receiving treatment, care or support.

To expect that information about his/her treatment, care or support is kept securely and cannot be easily accessed by unauthorised persons.

ACCESS TO COMPLAINTS MECHANISMS

To complain about services and service providers if he/she has reason to be dissatisfied with the service that he/she has received.

To be informed about complaints procedures, both internal and external.

To access complaints procedures that are easy to use.

To have his/her complaint dealt with promptly, fairly and without any adverse effect or discrimination arising as a consequence of having made a complaint.

To have access to support to participate in complaints procedures.

INVOLUNTARY DETENTION, TREATMENT AND CARE

To the least restrictive option available in the context of involuntary treatment, being for the shortest time period that is appropriate, recovery focused and governed by the requirements of relevant legislation.

To be informed of the reasons for any involuntary treatment.

To be provided with an explanation of their condition and plans for the management of the condition.

To participate in all decisions impacting on treatment, care and support.

To have their wishes and preferences taken into account.

To contact supporters, carers, advocates, families and friends, if they so choose.

To have available to them an individual who will represent them and whose task it is to advise them and protect their rights.

To be clearly informed of and offered the availability of representation.

To be supported to make an unhindered and informed decision about whether to accept representation.

To have their involuntary treatment subject to independent and impartial review at regular intervals.

To be offered discharge planning and pathways for re-entry into care, treatment, recovery and rehabilitation as appropriate.

FEES

To have fees determined in a way that is transparent, accessible and fair.

To receive invoices that are clear and in a format that is understandable.

To have fees reviewed periodically or on request when there are changes to the consumer's financial circumstances.

To not be denied treatment, care or support because of a consumer's inability to pay a fee for reasons beyond their control.

RESPONSIBILITIES

All consumers of Tasmanian health and human services have the following responsibilities:

To make available to the service provider, honestly and in a straightforward manner, information that is necessary for the service provider to provide the highest level of quality treatment, care or support possible including, where appropriate:

- condition, symptoms and health history;
- outside factors that may impact on treatment or care provision such as work, sport, family, home life and life style choices;
- changes to circumstances;
- the consumer's expectations of the provider;
- outcomes sought by the consumer;
- any concerns that his/her gender, age, race, ethnicity, origin, physical or intellectual disability, religion, sexual orientation, marital or relationship status, parental status, pregnancy, family responsibilities, political belief or activity, cultural belief or activity, situation, circumstance, economic or social status, irrelevant criminal record, irrelevant medical record may have an impact on his/her treatment or care, and
- the level of involvement the consumer wants in making decisions about his/her own treatment, care or support.

To tell the service provider if the consumer does not understand the information provided or if he/she would like more information.

To tell the service provider if the consumer is consulting, or receiving treatment or care from, another provider.

To tell the provider if the consumer is unable or unwilling to proceed with any care, treatment or support offered or recommended.

To listen to, and acknowledge, any concerns expressed by the service provider if that service provider does not agree with a decision made by the consumer about his/her treatment, care or support.

To give notice, where possible, if unable to attend an appointment.

To let service providers know if the consumer's needs are not being met or if the provider has been intrusive, insensitive or inconsiderate.

To let the service provider know that the consumer wishes to obtain a second opinion.

To interact with service providers with reasonable courtesy and respect, without exploitation, abuse, discrimination or harassment.

To respect the human, legal and industrial rights of workers in service provider organisations, including their right to work in a safe environment.

To abide by the terms of any written agreement relating to treatment, care and support or to seek to renegotiate the terms of any such agreement where personal circumstances change.

To accept responsibility for actions and choices even where some of those actions and choices may involve an element of risk.

To acknowledge the discretion of a service provider to refuse to provide a service if that service provider has a conscientious or other objection, providing that the service provider is prepared to refer the consumer to another provider who may be able to provide the service or to a support group or organisation who can assist the consumer in seeking appropriate service provision.

To consent to service providers discussing the care, treatment and support of a consumer with other providers for advice and support where it is in the best interest of the consumer's health and well-being.

To inform the service provider if a complaint is to be made about the service provided and about the outcomes sought by the consumer in lodging the complaint.

To acknowledge and respect, where appropriate, the level of training undertaken by providers and their knowledge, skills and experience.

To inform the service provider if the consumer is not prepared to accept the advice provided.

To offer feedback – positive and negative as appropriate – on the services provided, include participation in evaluation exercises or questionnaires about services.

To promptly pay fees where they apply or, if there are difficulties in doing so, to negotiate an alternative arrangement with the provider.

To provide enough information for the service provider to determine an appropriate level of fee.

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