The following organisations support, for a trial period, this *Code of Ethics* and the associated *Guide to Ethical Conduct.*
CODE OF ETHICS AND
GUIDE TO ETHICAL CONDUCT FOR RESIDENTIAL AGED CARE
As the Chairman of the Code of Conduct and Ethical Practice Working Group of the Minister for Aged Care’s National Aged Care Forum I am pleased to introduce the *Code of Ethics* and the *Guide to Ethical Conduct* for residential aged care.

The concept of a *Code of Ethics* for the residential aged care sector was well received by many organisations and individuals concerned with aged care. I would like to thank those individuals and organisations that commented on the drafts of the *Code* and the *Guide*. These comments greatly influenced their final form.

The *Code of Ethics* and the *Guide to Ethical Conduct* in residential aged care go beyond many simpler, single statements of intent. From the time of its conception, it was intended that it should be fully inclusive of the partners concerned in aged care. The *Code of Ethics* identifies those values that form the basis of an effective relationship between the providers of aged care, the staff and professionals that deliver that care, and the consumers of aged care services. The *Guide to Ethical Conduct* expands on this to illustrate how these values should, in principle, be interpreted in the every day environment of an aged care home. To support the *Code* and the *Guide*, a *Handbook* is being prepared which will assist the sector in the development of its policies and protocols to address the important ethical issues they deal with in the delivery of care.

The *Code* and the *Guide* have been developed to be applied within a voluntary and self-regulatory framework and they in no way effect the operation of the *Aged Care Act 1997*. On this basis, the *Code* and the *Guide* will be trialed over the next eighteen months. Their acceptance and application across the sector will be evaluated within this time frame. I am pleased
to say that the oversight of the trial will be in the hands of the Working Group that developed the Code, a Working Group that has been slightly expanded to include a wider cross section of people working in the aged care sector. The Working Group will, at regular intervals, report to the Minister’s Forum as to the acceptability and suitability of the Code and the Guide. At the end of the trial period a full report will be presented to the Minister’s Forum.

I would like to thank the following members of the Working Group for their hard work and assistance in undertaking this difficult task:

- Dr John Leaper, TLC Group;
- Mr Ian Hardy, Helping Hand Aged Care;
- Ms Sandra Moait (represented by Ms Tracey McDonald), NSW Nurses Association;
- Ms June Heinrich, Baptist Care Australia;
- Ms Sheila Rimmer AM, Council on the Ageing;
- Ms Margaret Hess, Diversicare;
- Mr Bernie Valadian, Aboriginal Development Foundation;
- Ms Mary Lyttle, Residential Care Rights; and
- Dr Joanne Ramadge, for her very significant contribution while a member of the Forum and the Working Group.
I would also like to thank the members of the Minister’s Forum for their contribution to the initiative as it progressed from a good idea to the document we have in front of us today.

Finally, and by no means least, I express my gratitude to the Hon. Bronwyn Bishop MP, Minister for Aged Care, for the opportunity to be involved with this initiative and for the personal support she has shown for the development of the *Code of Ethics* and the *Guide to Ethical Conduct* for the residential aged care sector.

Father John Fleming, PhD.
The following key organisations support the introduction, for a trial period, of this *Code of Ethics* and the associated *Guide to Ethical Conduct*.

- ANHECA
- Aged & Community Services - Australia
- Council on the Ageing (Australia)
- Carers Association of Australia
- Alzheimer’s Association Australia
- Sharing Dementia Care
- N.S.W. Nurses Association
Code of Ethics for Residential Aged Care

The Aged Care sector recognises the need for the protection of fundamental human values in the context of the common good of all who deliver and receive residential Aged Care services.

As partners in the delivery of residential Aged Care services, providers recognise that these fundamental human values derive from the inherent dignity of the human individual.

In accordance with our expertise and in the context of our relationship to residents we commit ourselves to protect the following rights of our residents:

i. the right of individuals to be treated with respect;

ii. the rights of the individual to life, liberty, and security;

iii. the right of individuals to have their religious and cultural identity respected;

iv. the right of competent individuals to self-determination;

v. the right to an appropriate standard of care to meet individual needs;

vi. the right to privacy and confidentiality;

vii. the recognition that human beings are social beings with social needs.
And we will protect these rights no matter how frail, physically or mentally disabled, or financially, socially or psychologically vulnerable, the resident may be.

We further recognise that all partners in the delivery of Aged Care services have the same fundamental human rights which carry with them the duties and obligations set out in the Guide to Ethical Conduct.
Background

The Aged Care sector is committed to the provision of care to a standard appropriate to the needs of all those who are residents of residential Aged Care services under the Aged Care Act 1997 (the Act). This document provides two voluntary codes to assist the Aged Care sector in meeting its goals, a Code of Ethics (the Code) and a Guide to Ethical Conduct (the Guide). The fundamental human values identified in the Code drive the way in which key personnel and all those involved in the provision of services¹ to Aged Care residents, in partnership with the Commonwealth, make, implement, and evaluate policies which affect the delivery of those services for the benefit of Aged Care residents through the Guide.

The Code and the Guide apply in relation to residential Aged Care services provided under the Act.

The Code and the Guide in no way affect the operation of the Act and Principles made under the Act.

The Code and the Guide are based on an understanding of the mutual obligations and interests of all the parties involved, including aged care residents and their families, and on the need for all partners to comply with all relevant legislation, service agreements and other professional codes of practice.

¹These people include owners, approved providers (providers), managers, boards, administrators and all health professionals.
Purpose of the *Code and the Guide*

The aim of the *Code* and the *Guide* is to set out the ethical commitments made by the Aged Care sector in addition to its legal obligation to comply with *the Act* and the *Principles* made under *the Act*. The purpose of the *Code* and the *Guide* is, then, to:

i. identify and set out the values that underpin the conduct and practice of residential Aged Care services delivered under *the Act*;

ii. set out the Aged Care sector’s commitment to the provision of care in ways that fully respect fundamental human values and its commitment to continuous improvement;

iii. identify the standards of conduct and practice, including their ethical underpinnings, which the community, providers, staff and residents of residential Aged Care services can expect in relation to all areas of care provision; and

iv. provide a basis which will enable individual organisations to develop written protocols which will support and inform the ways in which care is delivered under the *Code* and the *Guide*. 


Mutual Obligations

The delivery and reception of Aged Care services occur within a framework of interdependent relationships. These interdependent relationships have been forged between the partners who have collaborated together to serve the needs of frail, elderly Australians. The partners, providers, employed and contracted staff, attending professionals, volunteers, and residents (and their families/representatives), work together to provide optimal Aged Care services for residents. Accordingly, each partner has an obligation to respect the rights and duties of the other partners.

This document has two parts, the Code and the Guide.

The Code represents the agreed values, expressed as human rights, to which the partners are committed and upon which their practice is based.

The Guide sets out for each partner the ethical obligations each has to the others if each is to respect the human rights of the other partners as set out in the Code.

The Guide does this by identifying specific obligations each partner has to the other in relation to the seven fundamental human values, and in a way that avoids any practices which would unjustly discriminate against any of the partners to the Aged Care enterprise.
Obligations and Duties of the Commonwealth

The Commonwealth is committed to Aged Care as expressed in the objects as currently provided in the Act, which include the following as generally summarised below:\footnote{The Act (and indeed the Principles under the Act) are subject to amendment at any time, including to the objects of the Act generally summarised in this section.}

i. providing funding for specific care needs of older, frail Australians;

ii. promoting a high quality of care and accommodation that meets the needs of individuals;

iii. protecting the health and well-being of the residents of Aged Care services;

iv. encouraging diverse, flexible and responsive Aged Care services;

v. planning effectively for Aged Care services that are targeted according to the greatest need and avoiding duplication;

vi. facilitating respite for families, and others who care for older people;

vii. facilitating access to Aged Care services for those who need them, regardless of race, culture, language, gender, economic circumstances or geographic location; and

viii. facilitating residents’ enjoyment of the same rights as all other Australians.
Guide to Ethical Conduct

Providers

Each provider, in adhering to the Code, accepts the following responsibilities:

Value 1: The right of individuals to be treated with respect.

Providers should:

i. promote an environment that engenders mutual respect including respect for the dignity and rights of all concerned.

Value 2: The rights of the individual to life, liberty, and security.

Providers should:

i. promote emotional security, provide physical security, and enable religious and spiritual security for residents in the context of the services provided;

ii. assure residents that their independence will be encouraged;

iii. provide mechanisms that enable residents and employed and contracted staff to offer feedback or make complaints without fear of reprisal and facilitate access to external agencies, such as the advocacy services and the Complaints Resolution Scheme as necessary;
iv. declare to residents or their representatives any conflict or potential conflict of interest regarding pecuniary involvement in the business dealings of the organisation;

v. handle residents’ day to day finances with due probity and with a high level of documented accountability to the residents or their designated representatives;

vi. ensure that any bequests, donations and gifts are made freely, voluntarily, and within the legal capacity of the resident, and in no way bear upon the resident’s access to services;

vii. provide and promote a safe working environment for all staff and attending professionals; and

viii. respect and protect the rights of staff to freedom of association, (including the right to choose whether or not to join an employee association).

Value 3: The right of individuals to have their religious and cultural identity respected.

Providers should:

i. provide care in an environment that supports the cultural and language needs of residents and their families;

ii. provide food and drink which meet the needs for reasonable personal, cultural and religious preferences; and

iii. provide ease of access to spiritual advisers and a place (not necessarily a dedicated place) for religious observances appropriate to the wishes of residents.
Value 4: The right of competent individuals to self-determination.

Providers should:

i. promote an environment that provides residents with opportunities for self-development and that maximise their potential for well-being;

ii. respect the right of residents to their reasonable choices of care provision;

iii. encourage residents to take responsibility for their actions and choices;

iv. provide access to independent social, legal or other advice and help, while remaining personally removed from residents’ long-term financial affairs; and

v. develop protocols, within the law, to assist residents with self-medication.

Value 5: The right to an appropriate standard of care to meet individual needs.

Providers should:

i. act in the best interests of residents in determining, particularly before admission, whether or not the organisation has the capability of providing them with care appropriate to their needs;

ii. provide food, drink, care and support to the standard appropriate to the needs of residents in order to maintain optimal health and well-being;
iii. develop ways of consulting with residents and their families or representatives on all aspects of the provision of care;

iv. provide appropriately qualified staff and staffing levels necessary for the safe, efficient and effective delivery of care, treatment, support and protection and encouraging them to maintain and upgrade their qualifications by providing opportunities for education and training, including awareness of appropriate ethical standards;

v. ensure the safety of residents in relation to medication provision, both complementary and conventional;

vi. promote risk reduction programs and foster a culture among staff and attending professionals where mistakes and adverse events are identified, reported without blame, discussed and corrected, by putting in place appropriate communication and management structures;

vii. encourage attending professionals to comply with the ethical standards of the home;

viii. ensure that employed and contracted staff comply with the ethical standards of the home; and

ix. provide the buildings, fittings and furnishings necessary to provide the optimal standard of care for residents, having regard to the right to make a fair profit or surplus, after meeting all legal and ethical obligations.
Value 6: The right to privacy and confidentiality.

Providers should:

i. promote an environment that supports the privacy and confidentiality of residents, families, and staff.

Value 7: The recognition that human beings are social beings with social needs.

Providers should:

i. enable married couples to live a married life³;

ii. enable ease of access for families and other visitors with due regard for the wishes of residents; and

iii. recognise the needs of residents for social contact and provide opportunities for social interaction, including opportunities for developing new friendships within the home.

³The Universal Declaration of Human Rights recognises the right of couples to marry and found a family. Other forms of personal relationships are acceptable to some members of the community but not to others. Individual homes are free to provide for other forms of relationships as they may determine to be in accordance with their own charter.
Guide to Ethical Conduct

Residents and their families/representatives

Providers, accepting the rights and responsibilities of residents as set out in the User Rights Principles made under the Act, and taking into account the relative competence of the individual, are entitled to expect that residents (and where relevant, their families or representatives) will adhere to the Code and will accept the following responsibilities:

Value 1: The right of individuals to be treated with respect.

Residents and their families/representatives should:

i. treat other residents, staff and the providers with respect, dignity and courtesy.

Value 2: The rights of the individual to life, liberty, and security.

Residents and their families/representatives should:

i. respect the rights of other residents, staff and the provider to their physical and emotional security; and

ii. meet their financial obligations for their care.
Value 3: The right of individuals to have their religious and cultural identity respected.

Residents and their families/representatives should:

i. respect the right of other residents, their families or representatives, staff, and the provider to their own personal, religious, moral, cultural, and social opinions and beliefs.

Value 4: The right of competent individuals to self-determination.

Residents and their families/representatives should:

i. accept personal responsibility for the choices they make, including the right to refuse or agree to treatments offered; and

ii. seek, as needed, social, financial, legal, or other advice that is independent of staff and the provider.

Value 5: The right to an appropriate standard of care to meet individual needs.

Residents and their families/representatives should:

i. inform the appropriate health care professionals of relevant details of medical history, medication (complementary and conventional), and current health status; and

ii. use the buildings, fittings and furnishings of the service in a responsible manner.
Value 6: The right to privacy and confidentiality.

Residents and their families/representatives should:

i. respect the privacy and confidentiality of other residents, their families or representatives, and staff.

Value 7: The recognition that human beings are social beings with social needs.

Residents and their families/representatives should:

i. recognise the rights of other residents to participate in social activities.
Guide to Ethical Conduct

Employed and Contracted Staff

The provider expects each paid staff member, in adhering to the Code, will also adhere to their own professional code of ethics (if any), and accept the following responsibilities:

Value 1: The right of individuals to be treated with respect.

Employed and contracted staff should:

i. treat residents and their families, the provider, staff and attending professionals with respect, dignity and courtesy.

Value 2: The rights of the individual to life, liberty and security.

Employed and contracted staff should:

i. promote emotional security, provide physical security, and enable religious and spiritual security for residents in the context of the services provided;

ii. observe safe work practices so as to minimise the risk of workplace injury to residents, self and others;

iii. provide and promote to all residents or their representatives information regarding advocacy services and complaints mechanisms;
iv. declare to the provider any conflict or potential conflict of interest regarding pecuniary involvement in the business dealings of the organisation and/or in any personal relationships with residents; and

v. handle residents’ day to day finances, if requested, with due probity and a high level of documented accountability to residents or their designated representatives.

Value 3: The right of individuals to have their religious and cultural identity respected.

Employed and contracted staff should:

i. respect the rights of residents, their families or representatives, other staff, and the provider, to their own personal, cultural and religious beliefs; and

ii. provide care in a way that supports the cultural and language needs of residents and their families.

Value 4: The right of competent individuals to self-determination.

Employed and contracted staff should:

i. respect the right of residents to their reasonable choices of care provision;

ii. provide opportunities for residents for self-development and to maximise their potential for well-being;
iii. encourage residents or their representatives to take responsibility for their actions and choices; and

iv. facilitate access to independent social, legal, or other advice and help, while remaining removed from residents’ long term financial affairs.

Value 5: The right to an appropriate standard of care to meet individual needs.

Employed and contracted staff should:

i. adhere to all the ethical standards of the home;

ii. maintain care appropriate to the needs of residents in order to optimise their health and well-being;

iii. administer care in line with current best practice, and within his or her levels of expertise, qualifications and authority;

iv. monitor and assist with, a satisfactory intake of food and drink to meet the nutritional requirements, and the personal, cultural, and religious preferences;

v. facilitate consultation with residents and their families or representatives;

vi. report any observed failures of standard of care through the appropriate complaints mechanisms;

vii. participate in risk reduction programs where mistakes and adverse events are identified, reported without blame, discussed and corrected;
viii. work collaboratively with the provider, attending professionals and co-workers to achieve the best outcomes for the residents;

ix. take advantage of opportunities provided for ongoing and further education and training; and

x. use and maintain the buildings, fittings and furnishings provided in a responsible manner.

Value 6: The right to privacy and confidentiality.

Employed and contracted staff should:

i. undertake all care, processes, and tasks in a manner that respects the privacy and confidentiality of residents and their families, other staff members and the provider.
Value 7: The recognition that human beings are social beings with social needs.

Employed and contracted staff should:

i. support the rights of married couples to live a married life;

ii. provide ease of access for families and other visitors with due regard for the wishes of residents; and

iii. recognise the needs of residents for social contact and provide opportunities for social interaction, including opportunities for developing new friendships within the home.

4The Universal Declaration of Human Rights recognises the right of couples to marry and found a family. Other forms of personal relationships are acceptable to some members of the community but not to others. Individual homes are free to provide for other forms of relationships as they may determine to be in accordance with their own charter.
Guide to Ethical Conduct

Attending Professionals

The Code recognises the professional responsibility of each attending professional in residential Aged Care services to adhere to his or her professional codes of ethics or practice. The Code does not replace those professional codes but rather seeks to enhance them within the relationships specific to Aged Care services.

Subject to the above, providers are entitled to expect that each attending professional who provides temporary or sessional assistance to the provider or residents will accept the following responsibilities:

**Value 1: The right of individuals to be treated with respect.**

Attending professionals should:

i. treat residents and their families, staff and the provider with courtesy, dignity and respect.

**Value 2: The rights of the individual to life, liberty, and security.**

Attending professionals should:

i. declare to the provider any conflict or potential conflict of interest, pecuniary or otherwise; and

ii. declare to residents or their representative(s) any conflict or potential conflict of interest regarding any pecuniary involvement in the business of the provider.
Value 3: The right of individuals to have their religious and cultural identity respected.

Attending professionals should:

i. respect the rights of residents, their families or representatives, other staff, and the provider, to their own personal, cultural and religious beliefs.

Value 4: The right of competent individuals to self-determination.

Attending professionals should:

i. respect the independence of residents, including their right to make their own decisions about the health care offered.

Value 5: The right to an appropriate standard of care to meet individual needs.

Attending professionals should:

i. provide the standard of professional consultation and level of attention and interaction, including follow-up, appropriate to the individual needs of residents;

ii. administer care in line with current best practice, and within his or her levels of expertise and qualifications;

iii. ensure adequate communication, and work collaboratively with staff, that will result in adequate documentation of the care provided;
iv. report any observed failures of standard of care through the appropriate complaints mechanisms;

v. participate in risk reduction programs where mistakes and adverse events are identified, reported without blame, discussed and corrected; and

vi. comply with all ethical standards of the home.

Value 6: The right to privacy and confidentiality.

Attending professionals should:

i. undertake all care, processes, and tasks in a manner that respects the privacy and confidentiality of residents and their families or representatives, staff members and the provider.

Value 7: The recognition that human beings are social beings with social needs.

Attending professionals should:

i. recognise the needs of residents for social contact and make appropriate recommendations to the staff to meet the residents’ needs.