

Residential rights for people living in residential services

Disability Act 2006

Introduction

The *Disability Act 2006* (the Act) commenced on 1 July 2007.

The Act protects the rights of people living in residential services and provides clarity regarding the role and responsibilities of residential services.

What is a residential service?

A residential service is residential accommodation with rostered staff provided by a disability service provider. This includes community residential units (CRU), or residential institutions and respite houses.

What is a residential statement?

A residential statement is a document that sets out the residential services to be provided by the disability service provider to support the resident.

A residential statement must include, as a minimum:

- the period of time to which the residential statement relates
- details of the residential services to be provided by the disability service provider
- the name and contact details of the disability service provider
- the cost of the services to the residents, what rent and services are included, and when and how payment is to be made
- any conditions that apply to providing residential services such as the rules about entering a resident's bedroom
- the duties of disability service providers
- the duties and rights of residents
- how a person can complain about the residential service.

When should a residential statement be provided?

A residential statement *must* be provided when a person commences residing at any residential service as from 1 July.

Do current residents get a residential statement?

All residents living in a residential service before 1 July 2007 must be given a residential statement as soon as possible and by no later than February 2008.

What about people with communication issues?

The residential statement *must* be explained and given to the resident in a format they are most likely to understand.

Who should receive a copy of the residential statement?

All residents should receive a copy of the residential statement. In addition, a copy of the residential statement must be given to a guardian or an administrator, if appointed. If a person does not have a guardian or administrator, the residential statement can be given to a family member or a person of the resident's choosing who can assist them with understanding the statement.

Does the residential statement get reviewed?

It is good practice for residential statements to be reviewed regularly to ensure it remains relevant to residents and the services being provided. The Act does not specify when a residential statement should be reviewed, but most would be reviewed each year.

What can people living in a residential service expect from the residential service?

Residents must be treated with dignity and respect, including residential support workers respecting people's privacy. Residential support workers must enter a resident's room in a reasonable manner and not stay in the resident's room for longer than necessary.

The residential service must make sure that the home is safe and that residents are able to move freely around their home.

Any repairs or work to the house must be completed quickly and minimise any disruption to residents.

Residents can make a complaint about any aspect of the service without fear of retribution.

What are the responsibilities of residents living in a residential service?

People living in residential services must pay their rent on time and they must not use the premises for illegal activity.

Residents cannot keep dangerous items in their bedroom and must not participate in any behaviour that is dangerous to themselves or others.

Residents must notify the disability service provider of any damage caused. If the damage was caused knowingly and intentionally, a resident may be required to contribute to the cost of the repair.

For more information about residential services, contact:

Disability Services Division, Department of Human Services

Telephone: 1300 366 731 (9 am to 5 pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: disability.legislation@dhs.vic.gov.au