

# Residential rights for people living in residential services

## *Disability Act 2006*

### **Introduction**

The *Disability Act 2006* ('the Act') becomes fully operational from 1 July 2007.

The Act reaffirms and strengthens the rights and responsibilities of people with a disability. The residential services provisions in the Act have been developed to create specific rights for people living in residential services while enabling disability service providers to fulfill their obligations.

### **What is a residential service?**

A residential service is residential accommodation with rostered staff provided by a disability service provider for the purpose of providing disability services. This could include community residential units or residential institutions and respite houses.

### **What is a residential statement?**

A residential statement is a document for each resident 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 following:

- 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, and if the disability service provider has an agent, the name and contact details of the agent
- the amount of the cost of the services to residents, what rent and service components will be provided and when and how payment is to be made
- any conditions which apply to the provision of the 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.

### **What are the transitional arrangements to ensure all residents receive a residential statement?**

All residents living in a residential service before 1 July must also be given a residential statement. Given the large number of existing residents, it would not be practical to give everyone a statement on 1 July. They should, however, be provided with one as soon as practicable and by no later than February 2008.

### **Is there a template for developing a residential statement?**

Yes, Disability Services Division has developed a residential statement template. This must be used by all residential services.

## **What about people with written communication issues?**

The residential statement *must* be given to the resident in a format that is appropriate to their communication and cultural needs.

## **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.

## **When should a residential statement be reviewed?**

The Act does not specify when a residential statement should be reviewed. It is good practice however, for residential statements to be reviewed regularly. This will ensure the residential statement remains relevant to residents and the services being provided. It is recommended that the residential statement be reviewed annually.

## **What are the responsibilities of 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 to achieve the purpose of the entry without the resident's consent. This means that residential support workers should establish each resident's preferred method of entry to their bedroom.

Residents have the right to live in a home that is safe and fitted with appropriate furniture, as well as being able to move freely around their home.

All repairs or work to the house must be completed quickly and minimize any disruption to residents.

Residential support workers should also ensure that residents have access to information, including:

- the name and contact details of the disability service provider
- how to see a community visitor
- how to make a complaint, including the procedures for making a complaint or seeking a review under the Act.

## **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 intentionally, a resident may be required to contribute to the cost of repair.

## **Are there any specific provisions relating to Community Residential Units?**

Yes, there are some additional provisions that only relate to community residential units. These are explained in Information sheet 6.

## **For further information about residential services**

Disability Services Division, Department of Human Services

Telephone 1300 366 731 (9am to 5pm, 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](mailto:disability.legislation@dhs.vic.gov.au)