

Fact Sheet: Security of Tenure

An approved aged care provider has a responsibility, as per the User Rights Principles 2014, to provide their aged care residents with high levels of certainty to act reasonably in the provision of a safe and secure environment for their residents and their employees and to provide appropriate levels of care for their residents.

Under the Aged Care Act 1997 – section 56.2, home care providers are responsible for ensuring a consumer's security of tenure as per their Residential Agreement.

A provider may cease to provide home care to the resident only if:

- the facility is closing.
- they can no longer provide the accommodation and care suitable for the resident.
- the resident no longer needs the care being provided.
- the resident has been receiving care under a specialist dementia-care agreement and a clinical advisory committee, constituted in accordance with the agreement, has determined that the care recipient is not suitable to continue receiving that care.
- the resident has not paid an agreed fee within 42 days after the due date.
- the resident has intentionally caused serious damage to the facility or serious injury to an employee or another resident.
- the resident is away from the facility for a continuous period of at least seven days other than for a permitted reason.

NB:

- The security of tenure provisions only relate to the resident- not to their family members.
- The provider must not take any action to make the resident leave before suitable, affordable, alternative accommodation is available that meets the resident's long-term care needs (s 6(3) User Rights Principles).
- The approved provider must give the notice to the care recipient at least 14 days before the care recipient is to leave.

For further information regarding Security of Tenure, go to Australian Government Aged Care Quality and Safety Commission and/or contact

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