

# Are you free to leave or move around your aged care home?

## Fact Sheet: Elder rights in residential aged care.



Please note, this fact sheet is for general information purposes only and does not represent legal advice. As it is not intended to be comprehensive in relation to the topic, other inclusions or exemptions may apply.

### Environmental Restraint

If an aged care resident is prevented from freely accessing all parts of their aged care environment, including activities and items, with the primary purpose of influencing their behaviour, it is known as environmental restraint. Environmental restraint is a type of restrictive practice.

A restrictive practice is any action that restricts a resident's rights or freedom of movement. Under the [Aged Care Act](#), a restrictive practice may only be used as a last resort for the purpose of preventing harm to the resident or other persons.\*

### What does environmental restraint look like?

Florence, age 83, aged care resident.

Florence feels vulnerable at night, worried that people may enter her room. She asks for a lock to be fitted to her door so she can lock it when she's inside. The risks and benefits are discussed, as well strategies to reduce any risk, so Florence can make an informed decision. Strategies include the door unlocking when the handle is turned from the inside, Florence and staff having keys to the room and a process whereby staff check on Florence if in her room, and knock before entering.

This is *not* environmental restraint as Florence is able to leave her room freely and has control over her environment.

Maria, age 80, aged care resident.

Maria loves to sing and often strolls through her facility singing at night. Some staff find Maria's singing disruptive. A staff member advises Maria one night that if she doesn't go back to her room and be quiet she won't be able to attend the outing tomorrow she's been looking forward to.

This *is* environmental restraint. Maria is made to feel she cannot leave her room due to the threat of not being able to attend an outing.

Jim, age 78, aged care resident.

Jim has mild dementia and is wheelchair dependent. He likes to go into the courtyard and enjoy the sunshine, and also wishes to go to the nearby shopping centre to do some shopping. Often staff refuse to help Jim reach the courtyard or accompany him to the shops, which is upsetting him. In Jim's behaviour support plan, there are no behaviours of concern documented, only that he needs assistance accessing the courtyard and community independently, and that he gets upset when he cannot leave.

This *is* environmental restraint as the locked environment and Jim's impaired mobility are preventing Jim from freely doing what he wants to do.

### Is being environmentally restrained unlawful?

Yes, unless all of the below are followed:

- The practice or measure is used as a last resort for the purpose of preventing harm to the resident or others.\*
- Concerning behaviour is documented and assessed by a health professional with day to day knowledge of the resident, and alternative strategies are firstly explored.
- Consent to the practice is provided by the resident, if appropriate, or their substitute decision maker, who have the right to refuse.\*
- The use of the practice is monitored and regularly reviewed.

If you are unsure of your rights or feel they are being breached, Aged Care Justice can organise a free consultation with an aged care lawyer.

Aged Care Justice is a not-for-profit charity created to support aged care recipients and their families through legal assistance, education and reform.



Contact Aged Care Justice who can provide access to legal support:

E: [info@agedcarejustice.org.au](mailto:info@agedcarejustice.org.au) P: (03) 9016 3248 W: [www.agedcarejustice.org.au](http://www.agedcarejustice.org.au)