

Interpreting Equal Opportunity Legislation as applied to Retirement Villages: Retirement Villages as inappropriate accommodation for some.

Problem

Owner/operators of many retirement villages state that they cannot refuse to sell accommodation to persons with existing dementia on the basis of anti-discrimination legislation. However, retirement villages do not have appropriate staffing to meet the needs of those suffering from this progressive illness nor are buildings or facilities designed to be dementia friendly.

The Facts

- The current position descriptions for staff of our, and most retirement villages, do not require any care qualifications whatsoever, not even a first aid certificate. In our Village the focus is on staff skills in cleaning and building maintenance. A hospitality background is highly regarded.
- Consumer Affairs Victoria website 2016 specifically differentiates Retirement Villages from residential aged care facilities, nursing homes, and hostels. See definitions in the Retirement Village Act 1986.
- The marketing of retirement villages by both profit and not for profit owner/ operators focuses on an independent lifestyle. Any additional services for individuals such as cleaning or personal care must be paid for or organised by the resident. This assumes the person can manage their own life, the opposite of the symptoms experienced by sufferers of dementia.
- Dementia is a syndrome in which there is deterioration in memory, thinking, behaviour and the ability to perform everyday activities.

Case Study

The management of our retirement village allowed a person suffering dementia to move in and live alone. Staff work descriptions exclude all health and personal care. Immediately police began picking up and bringing this person back to the Village as she kept wandering and could not find her way back to the Retirement Village. The stove in her apartment was disconnected from electricity for her safety and that of others as we shared the same apartment building with her. She began wearing an electronic bracelet to monitor her whereabouts.

Conclusion

The broad issue is to ensure a person with dementia is not abandoned, that ethical behaviour by managements ensures owner/operators do not "lend/lease" if they cannot provide care.

Recommendation

That the position of retirement village owners/managers be clarified with respect to the suitability of retirement villages for people with dementia, in relation to current anti-discrimination legislation.