

Official Community Visitors access to documents in visitable services

Fact sheet No 3

Official Community Visitors (OCVs)

OCVs are appointed by the Minister for Families, Communities and Disability Services. They visit accommodation services for children and young people, people with disability and people living in assisted boarding houses, throughout NSW.

The *Ageing and Disability Commissioner Act 2019* (the ADC Act) and the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS CRAMA) provides for OCVs to 'inspect any document held at the premises that relates to the operation of a visitable service...'

What is a visitable service?

A 'visitable service' is a an accommodation service where residents are in the full time care of the service provider, including children and young people in residential out-of-home care (OOHC), people with disability in accommodation operated by the Department of Communities and Justice (DCJ) or by providers funded under the National Disability Insurance Scheme (NDIS), and assisted boarding houses.

Inspecting documents

In visiting a visitable service, an OCV can:

- Inspect any document held at the premises that relates to the operation of the visitable service. Documents means any record of information, including hard copy, electronic or other forms of documents.
- Take a copy of the document.

- Require a service to provide access to the document for the purpose of inspecting it, even if that document is stored at another location, e.g. at a service head office.
- Access and inspect documents, which does not imply a power to search for documents.
- Request the service to satisfy her/his concern if an OCV has reasonable grounds to believe that a visitable service may not have provided all relevant documents for an inspection, e.g. by providing a print out of a database search for the relevant document. If a service declines to do so or is unable to satisfy the OCV that all relevant documents have been provided for inspection, the OCV can report this to the Ageing and Disability Commission, the Ombudsman or the relevant Minister for their action.

The power to inspect documents does not provide OCVs with the authority to access a service's IT network without the service's consent.

What documents can OCVs inspect?

An OCV is able to access documents that relate to the residents at a visitable service. Such documents may include but are not limited to:

- Client files
- Communication books
- Daily progress and routine notes
- Support plans, such as behavior support, health care, and individual plans

- Consents, authorities and orders, including guardianship orders, bail conditions and contact orders
- Community access records
- Medication charts
- Incident reports
- Financial records pertaining to the individual resident
- Transition plans
- Policy and practice manuals

Under the ADC Act and CS CRAMA, an OCV may inspect any documents related to the operation of the visitable service, regardless of whether the keeping of such documentation is required by the service provider, licensee or outlined in the registration conditions.

The documents may be related to an OCV asking questions about:

- Residents – number, age, gender, cultural and linguistic diversity, ATSI, specific needs, health, behaviour support, access to the community, medications, when best to find them at home, financial position
- Routines – school, day programs, meal times, bedtimes, social activities, work
- Staffing – numbers, shifts, qualifications, training opportunities
- The service – history, structure, decision-making processes, key documents eg. licence and conditions, registration conditions, record keeping requirements
- Policies and procedures – day to day service policies, complaints handling, privacy and confidentiality, participation in decision making, behaviour management, handling and recording of incidents, restrictive practice authorisations, record keeping, resident documentation
- Access to family and friends – regular contact, visits encouraged and facilitated, independent advocates sought where appropriate, public guardian, person responsible.

What OCVs cannot access

An OCV does not have the authority to access staff employment or supervision files, or the financial records of a service provider.

An OCV can access the personal financial records of a resident, where appropriate, in following up on concerns or in the process of resolving a matter.

From time to time, an OCV may need to access documents which are not readily accessible on a visit, for instance if they are held off-site at a head office location.

OCVs must always:

- Respect the privacy of individuals
- Take all reasonable steps to consider the wishes of the resident, before inspecting any document directly relating to them; however, OCVs are not bound by the person's wishes.
- Ensure the confidentiality of any information obtained during a visit, and not disclose this information without good cause.

Please contact the Official Community Visitor team on **02 9407 1831** or on **OCV@adc.nsw.gov.au** if you would like to:


- contact an OCV
- ask about the operation of the scheme or
- discuss concerns about the conduct of an OCV

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm
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 ISBN: 978-1-921131-26-4

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 brand refresh June 2019.

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