



A voice for people in supported accommodation

**Answering your questions about the
Official Community Visitor Scheme**



Contact us


Official Community Visitor scheme
Manager OCV Scheme

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**We promote the
rights of children
and young people,
and adults with
disability in care,
and provide a voice
for them by raising
issues of concern
on their behalf.**





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1. Introduction

History

In 1993, the NSW Parliament passed the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CS-CRAMA), an innovative piece of legislation that established a complaints, reviews and monitoring system for community services in NSW. The Community Services Commission and Community Visitors were established under the Act.

In December 2002, the Community Services Commission amalgamated with the NSW Ombudsman. Community Visitors were renamed 'Official Community Visitors' (OCV).

In July 2019, responsibility for coordinating and administering the OCV scheme transferred from the NSW Ombudsman's office to the NSW Ageing and Disability Commission (ADC). Since March 2020, the OCV scheme has come under the joint responsibility of the ADC and the Children's Guardian; the ADC coordinates the scheme on behalf of both agencies.

The scheme has grown significantly since it began. In October 1995, Community Visitors began visiting 663 government and non-government services across NSW where children, young people and people with disability and additional needs live in full-time care. By 2019, there were over 2,000 visitable service locations.

Over time, the OCV scheme has become firmly established as an effective mechanism to ensure that people living in supported accommodation have access to an independent person to promote their rights.

Aims of the Official Community Visitor Scheme

- Promoting the improvement of services to children and young people, and people with disability and additional needs living in full time supported accommodation.
- Promoting the rights of residents.
- Considering matters raised by residents, staff and other people who have a genuine concern for the residents.
- Helping to resolve complaints or matters of concern affecting residents as early and as quickly as possible by referring those matters to the service providers or other appropriate bodies, such as the NSW Ombudsman, the NDIS Quality and Safeguards Commission and the Children’s Guardian.
- Informing the Minister, the Ageing and Disability Commissioner, and the Children's Guardian on matters affecting the needs, interests and conditions of residents, and the conduct of accommodation services in providing quality care.

Residents are the central focus

OCVs are independent of service providers and government agencies. They are concerned with promoting the rights, needs and interests of residents by raising their individual issues, as well as having regard to the overall conduct of visitable services. This is an important difference in emphasis from other monitoring mechanisms in the community sector that may primarily focus on service wide operations, overall compliance with standards, and funding agreements.

OCVs refer to relevant practice standards as a guide to

good practice, but do not monitor the extent to which service providers as a whole comply with the legislation or prescribed standards, or practice guidelines.

Rather, they seek to see how the service provider at the house level is responding to the needs of the individual or group of individuals, using the relevant practice standards as a benchmark.

For example, a visitable service may meet the relevant practice standards, but a resident may still be unhappy with the services provided and need the involvement of an independent person, the OCV, to give voice to their concerns to the service provider.

Scope of the OCV Scheme

Each year, an increasing number of services are eligible to be visited by OCVs. Usually there are around 40 OCVs across NSW, grouped into five regions – North Coast/New England, Hunter/Central Coast, Southern/ Western, and Sydney Metro North and Sydney Metro South.

Who do OCVs visit?

OCVs visit accommodation services in NSW 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 living in supported accommodation operated by the Department of Communities and Justice (DCJ) or by providers funded under the National Disability Insurance Scheme (NDIS)
- people living in assisted boarding houses.



2. Role of OCVs

Status

OCVs are appointed by the NSW Minister for Families, Communities and Disability Services, under the *Ageing and Disability Commissioner Act 2019* (ADC Act), and the *Children's Guardian Act 2019*. They are appointed for up to three years and may be re-appointed for up to a further three years (to a total of six consecutive years).

Selection

The ADC recruits OCVs, via an open merit selection process, a panel of a current OCV and ADC staff. Following the recruitment process and probity checks, the ADC consults with the Children's Guardian and makes recommendations to the Minister about suitable applicants, and the Minister makes the formal appointments.

To be eligible for appointment, all OCVs must have:

- appropriate knowledge and expertise in matters relating to community services, including adults with disability, older adults and children in care
- commitment to the objectives of community services legislation
- skills in solving problems about community services
- OCVs cannot be employees of the Department of Communities and Justice, or the Office of the Children's Guardian.

Other important qualities that we seek in OCVs are:

- excellent communication skills, including the ability to communicate with children and/or people with disability
- ability to identify and understand the needs of people living in supported accommodation
- commitment to the needs, interests and rights of people living in supported accommodation.

What backgrounds do Official Community Visitors have?

OCVs have diverse backgrounds that enable them to directly relate to children and young people, and people with disability. OCVs include people with disability, people from culturally and linguistically diverse backgrounds, and people with professional or direct experience in community services.



3. Functions

OCVs are concerned with the circumstances of children and young people, and people with disability who live in visitable services, and the conduct of those services. Visitors actively encourage the speedy resolution of issues at the local level.

OCVs have the authority to:

- 1. Enter and inspect a service at any reasonable time, without providing notice of their visit***

OCVs can enter and look at any part of the premises of a visitable service. The majority of visits are unannounced. Usually, visits occur at evenings and on weekends, because these are the times when residents are likely to be at home. OCVs always carry identification cards containing the Minister's authorisation and a list of their powers. If staff do not know the person claiming to be an OCV, they should ask to see this identification card.

How are visits conducted?

OCVs are encouraged to have an introductory meeting with senior management of the service when allocated a service they have not visited before. This may include meeting the Chief Executive Officer and senior operational staff. This gives the service the opportunity to describe the operation of the visitable location, and provide any specific information that it considers the Visitor should know.

This meeting also enables the Visitor to explain their role and

how issues will be raised with the service. It is an opportunity for key management and the Visitor to establish a positive working relationship.

For the first visit to a visitable location, OCVs make prior arrangements to meet the residents and staff. Subsequent visits may be planned if Visitors are monitoring an issue and want to meet with specific residents or staff. However, the majority of OCV visits will be unannounced, to see what the visitable service is like on a day-to-day basis.

What if the visit is at an inconvenient time for the residents or the service?

Sometimes a visit may occur at a time that is difficult for the residents or service, such as when residents are about to go out. Staff should let the Visitor know why it is inconvenient, and try to find a solution that suits all parties. Visitors are careful not to interfere in the activities of residents or the running of the service. Visitors may not need staff assistance to talk to residents or access documents but, if so, the Visitor may wait until the residents or staff are available to assist, or return at a more convenient time.

2. Confer alone with any resident or person employed in the service

A Visitor is able to speak in private with individual residents or staff at the service. An OCV will respect the person's wishes if they prefer to talk at a later time or with other people present. Hearing directly from residents is a key part of the OCVs role – it enables them to gain an understanding about how residents feel about their lives, and how staff interact with them. Speaking alone with residents and staff provides

opportunities for confidential issues to be raised directly with OCVs.

Speaking alone does not necessarily mean ‘behind closed doors’, but may be in a quiet spot like the back garden, the front porch or in a living room that is not currently being used by other members of the house.

What if staff are uncertain what to tell an OCV?

Sometimes staff may be new and cannot answer a Visitor’s question, or be anxious about disclosing sensitive information about a resident. It may be that the service has not given advice to staff about providing information. If staff are uncertain about how to assist the Visitor with a specific query, they should ask the Visitor to speak to a more senior staff member to gather the information, or contact their line manager to get further advice.

3. Inspect any document that relates to the operation of the service

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 include 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.

OCVs find many documents useful in informing their visit and identifying issues. Documents relating to residents and the conduct of the visitable service may include:

- communication books
- incident report records
- resident files
- support plans, such as behaviour support, health care and individual plans
- community access records
- medication charts and records
- financial records of residents' funds
- policy and practice manuals

These documents must be made available at the request of the Visitor.

On occasions, OCVs may also need access to documents relevant to the conduct of the service but which also relate to the operation of the organisation more generally, such as staff meeting minutes. To assist organisations, in these circumstances, OCVs will give notice of their need to access such documents in their visit report, and suggest a suitable time to view them at the head office or at the visitable location.

OCVs do not access employment or supervision files relating to staff, or the financial records or funding agreements of a service as a whole.

When OCVs access organisational documents, does this duplicate monitoring by the funding body or registration authority?

Monitoring can take various forms, and different agencies may access the same documents for different purposes. The

primary focus of Visitors' work is the wellbeing and support of residents, and they will access documents relating to the individuals living at a particular visitable service. However, in exploring some issues, Visitors need to understand the broader context of the supports provided to residents. For example, if a Visitor identifies issues with a residents behaviour support plan, they may wish to access the service's staff training or policy documents to understand what guidance is given to staff.

Visitors access organisational documents to check on specific issues as they relate to residents, or the actions of a visitable service. This is not the same as monitoring that may be conducted by another agency, such as the funding or accrediting body or a complaint handling agency.

3a. Take reasonable steps to seek the views of the person to whom the document relates before inspecting a document, but are not bound by that person's wishes

Do OCVs need to obtain consent before looking at documents?

OCVs do not need to obtain the consent of the resident before accessing a relevant document. Nor do services, family members or guardians have the right to deny an OCV access to information relevant to the conduct of the service. Nevertheless, the OCV must take all reasonable steps to find out how the resident feels about the Visitor looking at their file, and explain their reasons for wanting to access the information.

If a resident is uncomfortable with the Visitor accessing a document, the Visitor may decide that the need is not significant enough to act against such wishes. However, the

Visitor may decide to inspect that document notwithstanding such wishes either at the time of the visit or at a different time.

4. Provide the Minister, the Commissioner, and the Ombudsman with advice or information on any matters relating to the conduct of a service

Are people protected if they disclose information to an OCV?

Organisations are responsible to protect the private details of residents, however the *Privacy and Personal Information Protection Act 1998* provides exemptions to enable some agencies to conduct their work. OCVs are able to access confidential documents about individuals and the service that staff and management may not normally be able to disclose. This is to ensure that there is independent monitoring of services provided to vulnerable people.

The ADC Act and the Children's Guardian Act provide protection for people who provide information or make a complaint to an OCV. Under the legislation, it is an offence to take, or threaten to take, detrimental action against any person (or any other person) because they make, or propose to make, a complaint to an OCV. However, this protection does not extend to disclosures that are made in bad faith or where the person knows the information is inaccurate. Detrimental action can include harassment, dismissal or disciplinary action.

Should Visitors tell services about their sources of information?

Visitors identify issues through a range of sources, including

talking to people at the service, or looking at relevant documents. Usually, Visitors tell services how an issue was identified, such as making a specific request on behalf of a resident or raising questions about records or support provision. Sometimes, staff or family members may be fearful of retribution by the service or others if they talk to an OCV.

In these circumstances, Visitors are very careful to protect the identity of the person who initially raised the concern.

5. Under the ADC Act and the Children's Guardian Act, OCVs have additional functions

- Informing the Ministers, the Commissioner, and the Children's Guardian on matters affecting the welfare, interests and conditions of residents of visitable services.
- Encouraging the promotion of legal and human rights of residents in visitable services, including the right to privacy, confidentiality, adequate information and consultation in relation to those services and the right to complain.
- Considering issues raised by residents, staff of visitable services and people having a genuine concern for the welfare, interests and conditions of people using visitable services, such as families, guardians and advocates.
- Providing information to residents using visitable services about the advocacy services available to help them with their concerns, and where appropriate, assist residents to obtain advocacy services.
- Facilitating, where it is reasonable and practicable, the early and speedy resolution of grievances and matters of concern affecting residents by referring these matters to the relevant services or other appropriate bodies.

Do OCVs do the work of services?

OCVs do not undertake work that is the responsibility of the service provider, nor do they work as caseworkers, complaint handlers, auditors or investigators. Visitors encourage services to resolve issues, but do not replace the role of staff or management.

Service providers are required to have in place sound complaint handling and issues management policies and mechanisms, and Visitors encourage services to use such mechanisms.

Are OCVs advocates?

OCVs are not advocates in the usual sense of the advocate role, even though they are responsible for identifying and raising issues on behalf of a resident and/or a group of residents in a service.

For example, an OCV cannot be a substitute for an advocate as the OCV considers the interests of all residents living in the house, not just one person who may have a specific need. OCVs are only occasional visitors to houses, whereas advocates should have a longer-term relationship with individuals. OCVs have a broader view as to the conduct of the service generally, as well as to the individual. However, OCVs do have a role to assist residents to obtain advocacy services, where appropriate.

Services should continue to promote the involvement of an independent advocate for each resident as the need arises.

How much should OCVs know about providing services?

The intent of the OCV scheme is that OCVs are well-informed community members. They do not need to be experts in all aspects of service provision, such as complex legal or medical

issues. Therefore, the ADC recruits OCVs who have a broad knowledge about the visitable service sectors, so that they know how to identify potential problems or issues.

What training and support is provided to new OCVs?

The ADC provides a comprehensive induction process to assist new Visitors to learn about their role. This includes:

- 1.** Induction training to provide information about the ADC Act and the Children's Guardian Act, the role and functions of Visitors, and expectations about how the work is to be conducted. Visitors have the opportunity to hear how experienced Visitors prepare for each visit, what may happen at services, and how to handle difficult situations that may arise. Induction training is a three-stage process over six months.
- 2.** A guidelines manual for OCVs, outlining how Visitors can comply with the ADC Act and the Children's Guardian Act, and how the ADC administers the scheme. Visitors are also provided with other important documents, including details about resources in the community, work health and safety, relevant service and sector standards.
- 3.** OCVs initially go with an experienced Visitor on introductory visits to observe how the work is conducted in practice. After this, new Visitors commence visiting the services on their schedule.
- 4.** OCVs are linked to a mentor for 12 months. The mentor is an experienced Visitor who is available to assist the new Visitor with any queries that may arise. Visitors are also included in a regional group, enabling them to develop networks with other Visitors.

5. OCVs are provided with peer support and training hours and encouraged to develop informal peer relationships with fellow OCVs, to share skills and expertise.
6. The OCV team in the ADC keep in touch with new OCVs and is available to assist with general support and advice, and to work through any unforeseen difficulties.
7. The OCV team in the ADC visit each new OCV within the first six months to talk about how the Visitor is settling into the role, and if any specific support is needed.
8. Further training on sector relevant practice and issues is provided to new Visitors throughout their visiting term.

How a visit may be conducted

1. The ADC allocates OCVs a list of visitable services to visit.
2. The OCV meets with senior management of the organisation at, or around the time of the first visit.
3. The OCV meets the residents at a visitable service (at least once every six months).
4. The OCV identifies issues of concern and/or examples of good practice, by talking with residents and staff, observing the day to day operation of the service, reading documents, and asking questions to gather further information.
5. The OCV provides a visit report to the service following the completion of each visit. The visit report identifies any issues of concern, and seeks a response from the service as to what action they are taking, or will take to resolve the matters.

- 6.** The service responds to the OCV's visit report and issues by providing information about action they are taking to resolve issues. (NB. If the service does not provide a response to the Visitor, the OCV may alert the ADC to take further action).
- 7.** If issues are not resolved, the OCV may take up the issue with senior management, and will continue to monitor progress of the issue.
- 8.** The OCV checks the outcome of the issue on subsequent visits and/or contacting the relevant service staff or residents.
- 9.** If resolved, the OCV closes the issues in the online database as 'issue resolved'. If not resolved, the OCV considers whether further steps are needed, such as raising the issues with the Minister, the ADC, the Children's Guardian or other appropriate bodies.





4. Visitable services

As at July 2019, OCVs were visiting over 2,000 services in NSW. The ADC Act and the Children's Guardian Act describe a 'visitable' service as an accommodation service where a child or young person, or adult with disability is in the full-time care of the service provider, and assisted boarding houses.

Visitable services include:

- Supported accommodation services, such as group homes, villa style accommodation, individual units, units in large residential centres, premises that are owned or leased by the service provider, and where staff support is available to residents when they are at home. This includes drop in support of 20 or more direct care hours per week.
- Assisted boarding houses.
- Respite services where a resident has been living at the location on a full-time basis for more than three months.

The ADC makes every effort to ensure that the service is visitable before allocating an OCV. However, at times, an OCV will go to the service to find out if it is visitable. Services should contact the ADC if they are unsure whether or not they should be visited.

How are OCVs allocated to services?

The ADC determines which Visitors are allocated to services, and usually, but not always, it is the Visitor who lives in close proximity to the service. However, the primary consideration is to ensure that residents have access to a Visitor who has relevant skills and experience. The ADC also tries to consider the time availability and capacity of each Visitor. Some OCVs

visit a large number of services and, in some areas, Visitors may have smaller workloads.

How is the frequency of visits determined?

The ADC decides a minimum number of visits for each visitable service, and allocates visiting hours to Visitors for their work, according to the following criteria:

- size of a service (more visits for services with large numbers of residents)
- age of residents (more visits to services for children and young people)
- complexity of need (more visits for residents with complex medical or behavioural needs).

OCVs also have the flexibility to visit more than the required minimum visits in response to specific issues that arise in a service, the degree of dependence of residents, the level of residents' involvement in decision-making, the isolation of residents, and the effectiveness of policy implementation by services. As a result, some services are visited every few months, and the majority are visited at least twice a year.

What if residents do not wish to be visited?

The ADC Act and the Children's Guardian Act guides the decision on which services are eligible to be visited, because people who need supported accommodation placements are often dependent on a service provider to ensure that their day-to-day and longer-term needs are met. OCVs not only take on board issues for residents, but also have the power to report on the conduct of the service generally.

If a resident makes it clear that they don't want to be visited by an OCV, the OCV listens to the concerns of the resident and

considers the circumstances of the situation. The OCV takes into consideration what alternate resolution pathways are available for the resident. If the resident definitely does not want the Visitor there (they are distressed or upset), the OCV will not continue the visit. The OCV scheme has an obligation to allocate an OCV to every visitable service, resource permitting. This means that when allocated a service an OCV must visit that location and be available to the residents who live at those premises.

Can OCVs visit other vulnerable people?

There are many people who are in similar circumstances to those in visitable services, such as children in foster care, people living alone with minimal support and living at home and attending day programs. The OCV scheme is specifically focused on people who are heavily reliant on paid staff to meet their day-to-day needs with accommodation. The ADC Act and the Children's Guardian Act do not currently provide for a broader visiting program.

Working co-operatively with OCVs

OCVs have a key role in monitoring services provided to residents and it is to everyone's advantage that services and OCVs work cooperatively. Many staff welcome Visitors because they provide a fresh view about how the service is meeting the needs of the residents or conducting the service.

Organisations can ensure that they are effectively gaining the benefits of the OCV scheme by:

- assisting OCVs who wish to speak to residents or staff
- providing information to OCVs that relates to the conduct of the service

- considering issues identified by OCVs with a view to resolving the matter
- having in place effective internal policies and procedures that are resident focused
- responding to OCV visit reports by providing information about the progress of action taken to resolve identified issues
- regularly informing residents, staff, family members and others, about the role of OCVs
- complying with Work Health and Safety obligations by notifying OCVs of any situation that may endanger the OCV
- encouraging residents and other interested parties to contact the OCV allocated to the service
- resolving issues of concern as soon as they are identified.

Why do OCVs work differently to each other?

OCVs bring a diverse range of skills and experience, so will have different styles when conducting their work. OCVs are not expected to be experts in all areas of service provision, and may be more familiar with some aspects than others. To overcome some of these differences, Visitors raise issues through their written visit report, and are available to meet with senior management to discuss matters in more detail, if requested.

Should services develop a policy about OCVs?

Policies and procedures are an important guide to staff in services about how they are expected to conduct their work, and these complement any ongoing training. Some organisations have developed a policy for staff about the role of OCVs and how to assist OCVs while conducting their work. The policy should not include constraints to the OCV's role or

authority, but provide guidelines to staff about the assistance that should be provided on site, and when to refer the OCV to a senior manager.

Identifying issues for residents

OCVs consider a wide range of issues that organisations should be addressing to enhance the lives of people in visitable services. Visitors raise issues affecting residents and the broader conduct of the service. Visitors raise issues under specific categories, called ‘classification codes’.

The classification codes have been developed in accordance with sector practice standards and relevant legislative requirements.

Do OCVs need consent before disclosing information?

The ADC Act and the Children's Guardian Act outline the responsibilities of OCVs to:

- ensure the confidentiality of any information obtained during a visit
- consider the wishes of residents when considering whether to disclose confidential information to the ADC, the Children's Guardian or other agency.

However, OCVs are not required to obtain consent from the resident before doing so. For example, a young person disclosing an incident of abuse in care may not want the OCV to pass on this information due to a fear of reprisal. While OCVs are not mandatory reporters, the ADC and the Children's Guardian require that OCVs should disclose this information to ensure that the young person can be safe and provided with the necessary support.

How do OCVs respect the privacy of individuals?

OCVs must preserve, as far as possible, the privacy of each resident. Visitors should respect the wishes of residents before entering their bedrooms, knock before entering at any time and respect people's privacy in their own home. However, it may be necessary for a Visitor to override the usual courtesies if they are concerned about a particular aspect of service provision and need to gather information for the purpose of raising an issue.

Reporting issues

Main problems identified by OCVs

Each year, OCVs raise over 4,000 issues about service provision. Each issue may relate to an individual or a number of individuals. The most frequently reported relate to concerns about:

- plans not being developed, documented, implemented or reviewed according to relevant legislation, policy, consents, approvals and assessments
- appropriate furniture, fittings, amenities, heating and cooling not being provided and/or maintained in a reasonable state of repair and safe working order
- residents not being actively encouraged and supported to participate in their community in ways that are meaningful and important to them.

CASE STUDIES

This section contains a number of case studies in which OCVs have been involved in identifying issues and raising them with services. The situations are real, however the names have been changed to protect the privacy of the people involved.

Case study – Not being heard

Sean lives in a group home for young people with disability, and staff described him as ‘disruptive and angry’. The Visitor noticed that Sean was using some Makaton, a form of sign language. The Visitor mentioned this to staff, who had no idea what Makaton was, saying that they received very little information about Sean when he was placed with them from another service.

The Visitor raised this issue in her visit report, expressing concern that Sean was isolated from his housemates and staff, frustrated that he was not being understood, and at risk of gaining a reputation of being ‘difficult’. As a result of the Visitor raising the issue, the staff have had training in the use of Makaton, and have worked with Sean to develop a communication board of pictures and symbols. As staff can now understand Sean, he has become calmer, is learning some new skills and his speech is improving.

Case study – Having a choice

One young man with disability was preparing to leave care and hoping to move in with his brother, who was living in another supported accommodation service. The young man was not linked to any services beyond those that were

being currently provided to him by his accommodation service. The staff at his house were not aware of who they could refer him to, to make sure that he and his brother would have adequate care and support when they moved in together. The Visitor was concerned that the young men's plans were at risk of not happening due to a lack of access to information about available services to support them.

The Visitor raised the concern in her visit report to the service. As a result the two accommodation providers convened and developed a plan for the young men to live together, to assist them to develop skills for more independent living and to link them to targeted supports to assist them to live together into the future. With the assistance of their NDIS plans, an active Support Coordinator, and access to information about what services were available, the brothers were able to choose staff, activities and services that they knew and liked. Both young men are very pleased with the outcome and will soon be moving in together

Case study – Keeping in contact

Frances is 14 years old, and has lived in OOHC for many years. She sees her mother every month, but told the Visitor that she was unhappy that a staff member was always present to supervise the visit. Frances also said that she had no phone contact with her mother between visits.

The Visitor raised Frances' concerns in her visit report to the service. Service management indicated that they opposed more frequent and unsupervised access, because Frances' behaviour tended to escalate after each contact with her mother.

The Visitor was concerned about Frances' ongoing relationship with her mother and thought that the service had not explored all of the options that could be put in place to create a more supportive contact environment.

As a consequence of the Visitor raising the matter, service management held a case conference to discuss the issue. It was agreed that, for a trial period of six months, Frances and her mother would have private time together each month, and could initiate phone contact at any time. The service arranged a counsellor so that Frances could discuss any issues that arose for her after contact with her mother.

Case study – Meeting key needs

Simon is a young person who has had 14 different placements in the past four years. After visiting him for several years, the OCV was concerned that he was becoming increasingly angry and unsettled. In the OCV's view, Simon's circumstances were deteriorating as he had an interrupted education, had experienced periods of homelessness, and had contact with the juvenile justice system after charges were laid against him for incidents that occurred while he was in OOHC.

The OCV raised these concerns in his visit report to the service, asking about the actions of the service to ensure sufficient planning for Simon and to include a range of supports to meet his specific needs.

Recently, Simon was moved to another placement where he is the only resident and has 24-hour individualised support. He has clear structures around his care and support and a plan for his ongoing education and development of independent living skills. The OCV is pleased to find that Simon is happier and more settled in his new home.

Case study – Meaningful activities

A Visitor was at her local shopping centre when she noticed Peter, a resident of a group home, sitting on a bench outside a shop. She was about to go up to Peter to say ‘hello’, when she noticed that he was sitting next to a staff member, who was looking at her phone and completely ignoring him.

The Visitor watched for several minutes, observing that there was no interaction between the staff member and Peter at all in that time. The Visitor was concerned that Peter was not gaining any benefit from the outing. On her return home, the Visitor planned to make a visit to Peter’s house as a matter of priority.

Following her visit, the OCV raised the issue of Peter’s community access in her visit report. The service manager raised the matter with the staff member, who said that he had been ‘bored’ and didn’t know what to do with Peter. As a result, the service manager removed the staff member from further community activities with Peter. The service met with Peter to find out what he wanted to do, and designed a plan of outings around his wishes and needs.

Case study – Involvement in decisions about their lives

The Visitor to a service for young people found that the staff were unclear about issues of consent and decision-making. The young people did not have family members who were actively involved in their lives. The Visitor was concerned that the service appeared to be making many decisions that the young people were unhappy with.

As a result, the young people felt that their wishes were not

being listened to, and they were not being given opportunities to learn responsibility and independence.

The Visitor raised this issue with service management through his visit report. He asked the service about the training, guidance and support that was available to assist them develop and implement supported decision making practices, and to allow the young people a level of 'dignity of risk'. As a consequence of the Visitor raising the issue, the service obtained assistance to develop a policy that provides clear guidelines to staff about how to involve the young people in making decisions about their lives. Staff are in the process of supporting the young people in their care to make decisions about their daily lives.

Raising issues with services

OCVs can give verbal feedback at the time of their visit, and raise issues with the staff member on duty. Face to face contact is an effective way for OCVs to clarify the issues and any options the service has considered to address them. However, after each visit, the Visitor must write and send a visit report identifying any issues of concern.

Within a week of conducting the visit, OCVs:

- Provide the organisation with a visit report through the OCV Online database, outlining the issues they identified at the time of their visit.
- Identify aspects of the service that are working well for residents or where the service is improving.
- Provide the organisation with the opportunity to respond to the visit report and outline the steps that are being taken to resolve the issues of concern.

OCVs may also meet with senior management to discuss service-wide issues affecting individuals.

Do OCVs raise all of the issues they identify?

OCVs raise issues with services when they are certain that there is some action that needs to be taken, or where they have concerns and require further information.

Sometimes, a resident, family or staff member will talk to the Visitor to 'sound out' a concern to consider the options that may be available to them, or will indicate actions that are underway to resolve an issue.

The Visitor may simply provide information, and clarify the actions that are underway. At other times, the Visitor may check with the service to see how it is responding to a concern that has been raised by another person. These issues are still reported formally in the visit report, but may be listed as closed, requiring no further action.

What if staff, family members or others do not agree with the OCV's point of view?

Sometimes, management, staff or family members may not agree with a Visitor about an issue that has been raised, particularly as each person has different information and perceptions about a situation. It may be useful to talk to the Visitor about their view of the matter, or invite the Visitor to a meeting where the details can be explored, and further information provided.

Do organisations have to implement the suggestions of OCVs?

Services are responsible for the support provided to residents and are required to provide a prescribed level of care. OCVs do not make recommendations or suggest specific actions to be taken. It is for the service provider to come up with a solution or take appropriate actions to resolve an issue. OCVs and the ADC expect that services take the issues raised by Visitors seriously, and are prompt in trying to resolve any issues.

How do OCVs follow up on the issues they have raised?

OCVs ask organisations to respond in writing to the issues raised in the visit report. On the next visit to the service location, the Visitor will check with the resident, review relevant documents or speak with staff to monitor the response to the issues. If the Visitor is satisfied that the issue has been resolved, feedback is usually provided in the next visit report, or via a direct email to service management, and the issue is closed. If the Visitor is concerned about the service's response, the Visitor will contact a senior manager to follow up.

What if the organisation is unable to resolve an issue?

Some issues are complex, or it may be that issues can only be partially resolved. OCVs expect that services do their best to find a resolution and explore all options available.

OCVs also have the capacity to raise matters with other appropriate bodies, such as the Ombudsman's office and the NDIS Quality and Safeguards Commission, if they feel that the issue would be better handled by a different agency.

5. Reporting issues to the Ageing and Disability Commission and the Children's Guardian

OCVs raise issues with service providers as a way of promoting and protecting the rights and interests of residents, and to promote improvements to the way services are provided to people living in visitable services. The focus is on the issues and the residents, not finding blame or fault with any individual.

Visit reports include information about how the issue was identified, why it is considered to be an issue and how information was gathered about the situation. Each issue is reported once, and the Visitor then monitors how the service responds to the issue.

The ADC and the Children's Guardian require OCVs to report any issues relating to the abuse or neglect of a resident in care. If a service has not adequately responded to issues raised, the OCV can raise their concerns with other appropriate bodies for their action, these may include the NSW Ombudsman, the Children's Guardian, and the NDIS Quality and Safeguards Commission.

An OCV may refer other serious or urgent issues affecting residents that aren't about the provision of supported accommodation to the NSW Ombudsman, Office of the Children's Guardian, the NDIS Quality and Safeguards Commission or other appropriate body, for assessment as a complaint, a notification or an inquiry, which may involve disclosing relevant information about a resident.

What information do OCVs provide to funding, accreditation or registration bodies?

OCVs identify a wide range of issues, not all of which directly relate to the wellbeing of residents, including industrial issues for staff, service viability and organisational governance issues.

OCVs do not get involved in these issues. OCVs do not have the authority to influence any funding, accreditation or registration agreements between the service and the relevant body, although may raise issues relating to the impact of these matters on residents.

Can OCVs report a matter to the Police, ADC, Ombudsman or the Children's Guardian?

If OCVs identify issues of abuse, neglect or other criminal matters, the Visitor will encourage the service to notify the appropriate authority, such as the Police, the ADC, the Ombudsman, the Children's Guardian or other appropriate body with a role in investigating these matters. If the service does not act in a reasonable timeframe, the OCV can report a matter on behalf of a resident. In most circumstances, OCVs will notify the service if they consider that it is necessary to take this action.

Reporting issues to the Minister

OCVs are an important source of information for the Minister about the quality of service provision, including examples of good practice, as well as issues of concern. OCVs meet with

the Minister periodically to discuss key systemic issues and trends that they have identified in their visiting. To illustrate these issues, OCVs may provide de-identified case studies to demonstrate issues in the visitable service sectors. OCVs may also write directly to the Minister about significant issues that they wish to bring to the Minister’s attention at any time.

In addition, an annual report on the OCV scheme is tabled in Parliament by the relevant Minister.





6. The coordinating role of the Ageing and Disability Commission

Training, support, consultation, informing

The ADC is an independent body that receives and responds to reports about adults with disability and older adults who are subject to, or at risk of abuse, neglect or exploitation.

Visitors are not employees of the ADC; however the ADC oversees and coordinates the OCV scheme. In relation to the OCV scheme, the ADC:

- Recruits and inducts OCVs.
- Organises training for OCVs through annual conferences, regional meetings, and information sessions and workshops.
- Allocates OCVs to services, prioritises visits, updates information about services, arranges the payment of OCVs, administers the OCV budget.
- Supports OCVs by regular contact, individual meetings and consultation group meetings.
- Responds to serious and urgent issues identified by OCVs.
- Supports OCVs to make referrals to appropriate bodies about matters of concern affecting residents of visitable services.
- Develops policies and procedures for how OCVs conduct their work, and mechanisms to improve the performance of OCVs and the OCV scheme.
- Supports OCVs to ensure that their statutory functions are fulfilled.

How does the ADC monitor the work of OCVs?

The ADC monitors the way OCVs conduct their work through:

- Systems to ensure that OCVs visit on a regular and consistent basis. The ADC monitors OCV activities to ensure that services are visited regularly according to the allocated visiting schedule.
- Identifying issues through regular phone and email contact with OCVs. Visitors often contact the ADC to ‘sound out’ issues and explore strategies to promote the resolution of these issues. This contact gives Visitors the opportunity to clarify key aspects and, if necessary, the ADC may encourage a Visitor to consider a different approach. The ADC initiates contact with Visitors if there is infrequent contact. If the ADC has a concern about a Visitor’s performance, it arranges a time to discuss it with the Visitor.
- Feedback, concerns and complaints raised by residents, services, families, other Visitors and people in other organisations. The ADC treats such concerns seriously and views complaints as a valuable opportunity to improve practice, identify issues, and correct misunderstandings. In response to issues raised through feedback or complaints, the ADC may take various steps, such as specific training for OCVs, develop or revise a policy for the scheme, investigate and resolve a complaint, or explore strategies to improve the information provided to stakeholders.

Information sessions

The ADC and OCVs are available to visit individual organisations or a regional group of services to provide information sessions about the OCV scheme. You are encouraged to contact the Manager OCV scheme in the ADC if you would like someone to meet with staff, families and/or residents of your organisation for an information session.

This is an ideal opportunity for everyone to meet the relevant Visitors, ask questions about their role, and hear about the work they are undertaking.

Concerns about an OCV

Any person with a genuine interest in the residents of a visitable service can raise concerns about the Visitor who is allocated to that service. It is important to resolve concerns and complaints as quickly as possible, to ensure that the relationship between the organisation and the Visitor is effective in resolving issues for residents.

Concerns about a Visitor may include:

- actions that are contrary to the powers and functions as defined in the ADC Act and the Children's Guardian Act
- actions that are not adequately focused on the residents of a visitable service
- an actual or perceived conflict of interest
- allegations of misconduct, such as fraud, corruption, or bribery
- actions that the person considers unfair, or where they are unhappy with the service provided by a Visitor.

If there is a concern about a Visitor, the ADC suggests the following steps:

1. In the first instance, organisations are encouraged to raise concerns directly with the relevant Visitor. If the organisation is uncertain how to handle a concern, contact the OCV team in the ADC to talk about the best way it can be resolved. The ADC would not usually inform the Visitor of this conversation if the organisation decides to raise it directly with the Visitor.

2. If the issue is serious, or the organisation is dissatisfied with the Visitor's response to the concern, contact the Manager OCV scheme at the ADC by phone, in person or by email. The Manager OCV scheme will clarify the role of OCVs, and identify ways that the ADC can assist. Depending on the issues, this may involve investigating the complaint, convening a meeting between the organisation and the OCV, or discussing issues with the OCV.

Contacting an OCV

OCVs work from home in the areas where they visit. They do not work from the ADC office. OCVs can be contacted via the OCV team at the ADC office. The OCV team passes all messages to the relevant OCV, who will respond as soon as possible.



Contact the Manager OCV scheme for further information:

Level 6, 93 George St
Parramatta NSW 2150

Phone: 02 9407 1831

Email: ocv@adc.nsw.gov.au

Web: www.ageingdisabilitycommission.nsw.gov.au





