

Community visitors

Disability Act 2006

Introduction

The *Disability Act 2006* ('the Act'), which becomes fully operational from 1 July 2007, continues provisions for community visitors, operating out of the Office of the Public Advocate (OPA), to visit residential services managed by disability service providers.

How does the Act define a residential service?

A residential service is residential accommodation with rostered staff provided by a disability service provider for the purpose of providing disability services. This could include community residential units or residential institutions and respite houses.

A disability service provider is defined by the Act as, 'the (DHS) Secretary, or a person or body registered on the register of disability service providers' (refer Information sheet 8 Registration).

Residential institutions are those proclaimed or deemed under section 86 of the Act. The residential institutions operated by the department proclaimed by the Act are Sandhurst, Colanda and Kew Residential Services.

What is the role of community visitors?

Under section 30 of the Act community visitors are appointed to enquire into:

- the appropriateness and standard of premises
- the adequacy of opportunities for inclusion and participation by residents in the community
- if residential services are being provided in accordance with the principles of the Act
- if information is being provided to residents as required by the Act
- any case of suspected abuse or neglect of a resident
- the use of restrictive interventions and compulsory treatment
- any failure to comply with the provisions of the Act
- any complaint made to a community visitor by a resident.

When will community visitors visit?

Under the Act, community visitors may visit any residential service with or without giving prior notice and at the times and for periods that they believe appropriate. Each residential institution must be visited at least once every month.

Community visitors are required by the Act to visit residential institutions at least every month. The Minister for Community Services (the Minister) may also direct community visitors to visit premises at which a disability service provider is providing a residential service.

What powers of inspection do community visitors have?

When visiting residential premises managed by a disability service provider, community visitors may:

- inspect any part of the premises in which the residential service is being provided
- see any resident
- make enquiries relating to the provision of services to the residents
- inspect any document relating to any resident that is not a medical record
- inspect any records required to be kept by or under the Act
- inspect any medical record relating to a resident with the consent of the resident or their guardian.

How does a person request a visit from a community visitor?

Any resident in a residential service or a person on their behalf can request the disability service provider to arrange a visit from a community visitor. The disability service provider must pass on all such requests to the Community Visitors Board within 72 hours.

The Community Visitors Board must ensure that they respond to any request made within seven days of receiving the request. The Community Visitors Board may arrange for the Public Advocate to respond to a request if they believe it is appropriate in the circumstances.

The Community Visitors Board may also refuse to visit if they consider the request to be vexatious, frivolous or lacking in substance.

What do community visitors do with the information they gather?

Community visitors are required to prepare a report on every visit and submit the report to the Community Visitors Board. The Community Visitors Board may report matters to the Public Advocate or the Minister at any time. The Community Visitors Board may also be required to submit a report to the Minister at any time.

The Community Visitors Board may also refer a matter reported by a community visitor as it sees fit, to the:

- Secretary of the Department of Human Services
- Disability Services Commissioner
- Senior Practitioner
- Ombudsman.

The Community Visitors Board is also required to prepare an annual report on the activities of the community visitors during the financial year for the Minister to table in parliament.

Who makes up the Community Visitors Board?

The Community Visitors Board (Disability Services) consists of the Public Advocate and two community visitors elected by community visitors.

Is there a protocol for how visits should be conducted?

The Protocol between Disability Services and the Community Visitors Program is being revised. The new protocol will outline the responsibilities of community visitors and disability service provider staff and management in relation to visits by community visitors.

The protocol also identifies a process for dealing with unresolved issues and a grievance procedure.

For more information about community visitors contact:

Disability Services Division, Department of Human Services

Telephone 1300 366 731 (9am to 5pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: disability.legislation@dhs.vic.gov.au