



# Annual Report

2003 - 2004

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Case examples are used throughout this report, however the names have been changed to protect people's privacy.

For more information or a copy of the Ombudsman's Annual Report 2003-04, contact the Team Leader, Official Community Visitor Team on 02 9286 1000, toll free on 1800 451 524, or download from the Ombudsman's website [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

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# Letter to the Minister



The Hon. Carmel Tebbutt MLC

The Hon. Carmel Tebbutt MLC  
Minister for Community Services  
Minister for Ageing  
Minister for Disability Services  
Minister for Youth



Dear Minister

I am pleased to submit to you the ninth Annual Report for the Official Community Visitor scheme for the 12 months to 30 June 2004, as required under section 10 of the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

I draw to your attention the requirement in the legislation that you lay this report, or cause it to be laid, before both Houses of Parliament as soon as practicable after you receive it and before Parliament rises.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'B. A. Barbour'.

Bruce Barbour  
Ombudsman

# Message from *By Margaret Stevens* Official Community Visitor

Starting as a new Official Community Visitor was an exciting experience. The induction was great - there were several new Visitors and we could feel an excitement in the air. We were sitting around a table, each with our own thoughts on how to change the world (or at least make a difference), and were asked to say a little about our background and expectations. It soon became clear that although we had different levels of formal education and experience, we had a common commitment to ensuring human rights were promoted and that people in care had a voice.

As time went on, the new Visitors realized the size of this task, and the stars quickly left our eyes as we started to move ahead one tiny step at a time. I was fortunate to have an experienced Visitor as a mentor, and a fantastic outgoing Visitor who went with me on my first few visits to services. Their help was wonderful - talking through the process, alerting me to some of the pitfalls, and providing a listening ear and practical advice. This was a very positive experience and saved a lot of time as I was getting started.

The services that I visit in rural southern NSW are very different to each other, including services for children, young people and adults with a disability, and people in licensed boarding houses. I travel great distances to services - and I do mean travel! A typical three or four hour trip can take even longer when stopped by sheep, cows and the fruit fly inspector. And I quickly learned a lesson about kangaroos on the roads after dark.

One of things that amazed me in the first few months was how services that have to adhere to the Disability Service Act Standards could provide services that were poles apart in terms of quality. For example, an organization providing two services has one with a great environment and facilities, great nutrition practices, and the residents are actively involved in their home and community. The other service provides no activities, has a stark, un-home like environment, and has poor quality meals.

Sometimes, the simple things make a big difference for someone in care. For example, an older man in a licensed boarding house was quite frail and felt the cold. He asked the service for an electric blanket but was refused. I approached the manager on the man's behalf, and was told that the manager believed that electric blankets were unsafe. I provided information on new blankets that can be washed and are safe,



and the manager agreed to allow electric blankets. The resident now has his own electric blanket for winter, and every time I visit he tells me how warm he is. This small issue made a significant difference to his quality of life, and it built trust and raised the expectations of the other residents – who are now approaching me with their concerns.

Some services are thankful for Visitors' suggestions for service improvement, as the issues raised are an opportunity to fix a problem. However, some services do not acknowledge problems and are reluctant to do anything, particularly if the residents' needs and wishes are not specifically covered by the Standards. These are the times I have to be very creative in finding ways to help them see the problem, and be tenacious in following up to see that the issue is being resolved.

Being a Visitor has given me a deeper insight into the incredible need for this program - and the reality for people in care who have the daily experience of being isolated, frustrated and powerless. My work is frustrating, enjoyable and fulfilling. Although this may seem to be a contradiction in terms, the work is worth every minute spent on it, as it does make a difference! Someone said that it is possible to move a mountain – by moving one stone at a time. As Visitors, we encourage small changes in services, and hope that by chipping away at the problems, services will keep on getting better for people in care.

# Message from the Ombudsman

This year, Official Community Visitors have opened the door to 915 accommodation services in NSW where children, young people and people with a disability live in full-time care. Visitors see how services are operating, listen to residents and staff, and try to resolve issues that will improve the delivery of services. The systemic issues that Visitors report to us also provide a valuable source of information for the Ombudsman's broader work in community services and, during the year, we instigated action on a number of matters raised by Visitors about the safety and wellbeing of vulnerable people in care.

As Margaret Stevens has said in her Message in this report, the role of Visitors can range from fulfilling to frustrating. Tenacity is an essential requirement, and the improvements in service delivery that Visitors encourage and influence, however small, can make a big difference to the quality of life of people in care. They do a tremendous job.

I also wish to acknowledge service providers in NSW for their cooperation with Official Community Visitors and, for the most part, their willingness to work with Visitors in seeking to improve services for residents so that the services they get meet their needs and protect their human rights.



The work of Visitors is ably coordinated by the Ombudsman's Visitor coordination team and its many and varied activities to support the scheme are detailed in this report. Their hard work, in partnership with Visitors, makes the scheme a valuable, external review mechanism for government and non-government accommodation services in NSW, and a voice for people in care.

A handwritten signature in blue ink that reads "B. A. Barbour". The signature is fluid and cursive.

Bruce Barbour  
Ombudsman

# Year in summary

## Visitable services

Official Community Visitors visit accommodation services for children, young people, and people with a disability that are operated, funded or licensed by the Department of Community Services or the Department of Ageing, Disability and Home Care, and where residents are in full-time care.

At 30 June 2004, there were 1,169 visitable services in NSW accommodating 6,628 children, young people and people with a disability.

## Visits conducted

During the year, Official Community Visitors made 3,121 visits to 915 visitable services, representing 78% of the total number.

### Services to children and young people

There are 111 out-of-home care services that are visitable, accommodating 266 children and young people. During the year, Visitors made 282 visits.

### Services to children and young people with a disability

There are 62 visitable services, accommodating 209 children and young people with a disability in out-of-home care services. During the year, Visitors made 184 visits.

### Services to children, young people and adults with a disability

There are 37 visitable services accommodating 258 children, young people and adults with a disability. During the year, Visitors made 144 visits.



### Services to adults with a disability, and in licensed boarding houses

There are 959 visitable services accommodating 5,895 adults with a disability. This includes 970 people living in 62 licensed boarding houses. During the year, Visitors made 2,511 visits.

## Key issues about service provision

Visitors reported 3,099 issues about service provision during the year. The main issues across all visitable services were:

- 587 issues (19%) - inadequate attention to meeting residents' individual needs
- 336 issues (11%) - poor nutrition, hygiene and health care of residents
- 326 issues (11%) - inadequate environment and facilities in services
- 281 issues (9%) - poor consideration of residents' privacy and dignity
- 280 issues (9%) - poor management responsibility.

# Our role

## Objectives and legislative framework

The *Community Services (Complaints, Reviews and Monitoring) Act 1993 (CS-CRAMA)* and Regulation establish the Official Community Visitor scheme to monitor the quality and conduct of accommodation services for children, young people and people with a disability in care in NSW. The Minister for Community Services appoints Official Community Visitors for periods of up to six years, and the Ombudsman has general oversight and coordination of the scheme. The Visitors and the Ombudsman work together to resolve issues on behalf of residents, and to promote the legal and human rights of people who are receiving accommodation and support services.

Visitors must have appropriate knowledge and expertise in community welfare, and be skilled in problem solving. They are independent of the Ombudsman, and must not be employees of the Department of Community Services or the Department of Ageing, Disability and Home Care within the meaning of the *Public Sector Employment and Management Act 2002*.

The 2003-04 year commenced with 27 Visitors, and seven Visitors left during the year.

The Visitors' functions are to:

- Inform the Minister and the Ombudsman about the quality of accommodation services
- Promote the legal and human rights of residents
- Act on issues raised by residents
- Provide information
- Help resolve complaints.

The Ombudsman's functions in relation to the scheme are to:

- Recommend eligible people to the Minister for appointment as Visitors
- Determine priorities for the services provided by Visitors
- Investigate matters arising from Visitors' reports
- Convene meetings of Visitors
- Report to the Minister.

## Visitable services

A visitable service under CS-CRAMA is an accommodation service operated, funded or licensed by the Department of Community Services or the Department of Ageing, Disability and Home Care, and where residents are in full-time care.

At June 2004, there were 1,169 services in NSW accommodating children and young people, people with disabilities, and people in licensed boarding houses.

## Our powers and obligations

Official Community Visitors have the authority to:

- Enter and inspect a service at any reasonable time
- Talk in private with any resident or person employed at the service
- Inspect any document that relates to the operation of the service
- Report on matters relating to the conduct of the services.

While undertaking their work, *CS-CRAMA* requires Visitors to respect residents' privacy, seek residents' views before inspecting relevant documents, and only disclose confidential information when there is good reason.

## abused by the system

A Visitor reported that Nathan, a young boy with a disability, has lived in ten different services over the past three years, and that more than 50 staff members had entered and left his life. The Visitor is concerned that Nathan is very disconnected from his

life, having no clear memory of his past, and no idea about his likes and dislikes. The Visitor is encouraging the service where Nathan is currently living to do some life story work, as a way of helping him develop a sense of his history.

In coordinating the scheme, the Ombudsman focuses on people who are least likely to complain and protect their own interests, and ensures that information and resources are used as effectively and efficiently as possible. Reports from Visitors assist the Ombudsman in monitoring the accommodation services sector, and determining priorities for resolving individual and systemic issues for people living in full-time care.

## Visiting services

During 2003-04, the number of visitable services rose from 1,161 services in July 2003 to 1,169 at the end of June 2004. This increase of 0.7% is small compared to previous years where the number of visitable services increased around 10% to 15% per annum. In fact, since the commencement of the Visitors scheme in 1995, there has been a 57% increase in the number of visitable services.

During 2003-04, visitable services accommodated 6,628 children and young people, people with a disability, and people in licensed boarding houses. This year, the recurrent budget for the visiting scheme was \$724,000.

In the first six months of 2003-04, all services were allocated a minimum of one visit and additional visiting resources were allocated on the basis of two risk factors:

- Age of residents (more visits to services for children and young people)
- Number of residents per service (more visits to services with many residents).

From January 2004, the Ombudsman changed its approach by allocating the available visiting resources to 80% of service outlets, while ensuring that all service providers were covered. For example, a provider with ten service outlets was allocated visiting resources for eight outlets.

This approach resulted in an average of four hours per visit, in comparison to less than three hours per visit during the first half of the year. Visitors welcomed the extra time as it enabled them to monitor and resolve issues more effectively. However, the residents of 254 services had no access to a Visitor during 2003-04.

Over 2003-04, there was a 6% overall increase in visiting, when compared to the previous year.



## Identifying and resolving issues

As Visitors identify issues in services, they raise concerns directly with staff or management, providing a brief report and encouraging local resolution. In addition, parents, advocates or staff may contact the Ombudsman's office to discuss their concerns about a visitable service. Some issues are handled through the office's other functions such as complaints, and some issues are referred to the Visitor, who may be able to assist in resolving the issue locally.

Visitors provide reports to the Ombudsman about issues in visitable services, which are recorded in a database. During 2003-04, Visitors reported 3,099 new issues about the conduct of visitable services in NSW (see Appendix) – an average of 2.7 issues per service. This is in addition to 1,722 other unresolved issues that Visitors were monitoring from the previous year.

Some services address issues quickly, other issues are complex and take longer to resolve. When Visitors report to services about issues of concern, they ask the service to provide a brief response about the action taken to resolve the matter. Visitors monitor how services respond to issues by seeing if the service's action plan is being implemented, and checking with residents, staff and families.



During 2003-04, Visitors and services informally negotiated solutions for 1,204 resolved issues (39%). Visitors also identify issues that are serious, urgent or systemic, and may refer these matters to the Ombudsman or other relevant agencies. Unfortunately, Visitors reported that during 2003-04 there were 89 issues (3%) where services made genuine attempts but were unable to resolve issues for residents, and a further 63 issues (2%) where services were unwilling to take the necessary action.

### afraid at home

Colin lives in a non-government service, and told the Visitor that he gets frightened when a group of teenage boys ride their bikes down the driveway at his home and through the garden. Although he had talked to staff about the problem, he seemed unable to remember what they had told him to do. The Visitor talked to staff about installing a fence, and suggested the use of a chart with pictures to assist Colin when using the phone to call for help. At a later visit, Colin told the Visitor that he feels safer because he knows what to do, and proudly showed the chart with a step-by-step guide. In addition, the service is seeking quotes for a new fence.



# Issues in services

Licensed  
boarding  
houses

# Issues in services: Licensed boarding houses

Licensed boarding houses became visitable services in December 2002. The Ombudsman's initial priorities were to provide boarding house proprietors with information about the role of Official Community Visitors, and to recruit new Visitors with specific knowledge about these services.

2003-04 was the first full year of visiting, and at the start of the year there were 62 licensed boarding houses accommodating around 970 people. Some services closed during the year, with most residents moving to other visitable services.

**FIGURE 1: Data for licensed boarding houses 2003-2004**

	<b>03/04</b>
No. of Services	62
No. of Residents	970
Total no. of visits in 03-04 (no. in 02-03)	411(*)
No. of issues reported (details below)	208
Average No. of issues per service	3.4
<b>NO. OF ISSUES RESOLVED (%)</b>	<b>65(31%)</b>

**\*Note:** Only a small number of introductory visits occurred in 2002-2003, because the new Visitors for licensed boarding houses commenced visiting from 1 July 2003.

## Major issues

Visitors reported 208 issues in licensed boarding houses this year, of which 65 (31%) were resolved. The resolution rate is lower than the state average for all visitable services (with a resolution rate of 39%), suggesting that proprietors may still be unfamiliar with the scheme's role in promoting residents' rights and service improvement. Visitors will continue to monitor unresolved issues during the coming year.

### Nutrition, hygiene and health care

Visitors reported 39 issues about inadequate nutrition, hygiene and health care, with 26 issues remaining unresolved at year's end. Visitors notice examples of good practice, and the Visitor to one licensed boarding house was very pleased to see that residents always had access to fresh fruit. On the other hand, Visitors expressed concern about a variety of issues, such as poor quality or insufficient food, and inadequate attention to ensuring residents had access to timely health care.

## not enough bathrooms

One licensed boarding house for eight men has only one bathroom, and the residents sometimes have no other option but to urinate in the back garden. In addition to the health hazard for people wanting to enjoy the garden, it is offensive to neighbours and does not assist the men to learn socially appropriate behaviours. The Visitor's suggestion to the proprietor that a second toilet be provided has not yet been acted on.

## Environment and facilities

Visitors reported 33 issues about poor environment and facilities, with 21 issues remaining unresolved at year's end. Licensed boarding houses operate on a for-profit basis, different from other visitable services. Residents usually receive pensions or low incomes, and proprietors state that after covering meals, staff costs and amenities, there are few resources to improve the facilities.



## Managing residents' funds

Visitors reported 20 issues about poor management of residents' funds, of which five were resolved, and 11 issues that are being addressed by proprietors but not yet resolved. Unfortunately, Visitors also reported four issues about residents' money where the proprietors were unwilling to explore ways of resolving the issues. Several licensed boarding houses have adopted a system of collecting all residents' money, and providing small amounts of spending money to each resident weekly. As a result, residents have no opportunity to save for more expensive items, and do not know what happens to the rest of their money. Visitors raise these concerns with proprietors, and provide information about the role of the Office of the Protective Commissioner, particularly for residents with limited budgeting skills.

## Meeting individual needs

Most licensed boarding houses have large numbers of residents – almost 80% of boarding houses have more than five residents, and 26% have more than 20 residents. One service has 101 residents. Large numbers of residents makes it particularly difficult for the proprietor to ensure that each person is treated as an individual. Visitors report that most residents do not have employment, and unless there are interesting activities, frequent disputes between residents can occur. One Visitor commented that the involvement of a local community service (an Active Linking Initiative program of the government’s Boarding House Reform Strategy) has been an essential and positive part of residents’ lives.

## Privacy and dignity

The large number of people congregated in licensed boarding houses also causes other problems, such as lack of privacy. Many residents have shared their bedrooms for many years, some accommodating up to four people per room. Visitors are concerned that residents have very little privacy in these arrangements, noting that rooms also lack decorative and personal items. Although Visitors acknowledge the proprietors’ arguments that residents have limited finances, the barren and communal nature of some services has a depersonalising impact on residents.



## mushy meals

One licensed boarding house has an arrangement with a local community organisation to pre-cook residents’ meals, which are frozen for later use. The Visitor noted that the frozen meals were not dated or labelled, so there

was no way of knowing if the food had been stored too long to be safe to eat, and residents had no choice of meals. The Visitor also commented that when the meals were re-heated, they appeared mushy and unappetising.



# Issues in services

Services for  
children and  
young people

# Issues in services: Services for children and young people

During 2003/04 there were 111 visitable services accommodating 266 children and young people. Of these, only three services are provided directly by the Department of Community Services (DoCS), with the remainder being non-government organisations funded by DoCS.

**FIGURE 2: Data for services for children & young people 2003-2004**

	03/04
No. of Services	111
No. of Residents	266
No. of visits in 03-04 (no. in 02-03)	282 (259)
No. of issues reported (details below)	449
Average No. of issues per service	4
<b>NO. OF ISSUES RESOLVED (%)</b>	<b>215(48%)</b>

## Major issues

DoCS places children and young people in visitable services in response to care and protection issues, such as abuse or neglect in their family home. Already traumatised, these children need stable, secure and home-like environments.

Visitors reported 449 issues in respect of services for children and young people, an average of four issues per service (significantly higher than the average of 2.7 issues per service for all visitable services). Nevertheless, 48% of issues raised by Visitors were resolved by services promptly, compared to the average resolution rate of 39% for all visitable services.

## missing essential information

The Visitor to one non-government service met Fiona, a girl who had been released from hospital and placed into the service by DoCS. The Visitor was concerned to find that Fiona had slurred speech and was unsteady, because she was on double the prescribed medication dose. However, DoCS had not provided any information to the service about her medical needs. The Visitor raised these issues as a matter of urgency, and DoCS established clear guidelines for Fiona's specialist medical care.

## Meeting individual needs

Visitors reported 102 issues where the individual needs of children and young people were not being considered by services. It is concerning that this continues to be a serious issue, despite extensive information in the sector about the developmental needs of children and young people in out-of-home care. Visitors also note examples of good practice, such as a service exploring ways to assist a young man with a physical disability to get his driving licence and purchase a car.

## Privacy and dignity

An important aspect of respect for residents is the extent to which services provide opportunities for children and young people to have input into decisions that affect them.

## who's listening?

Matthew is a young boy in a service, and was waiting to be placed in foster care. Although his sister had shared responsibility with DoCS for decisions about his care, she was not consulted when the department found a family that was many kilometres away. Matthew told the Visitor that he was worried about leaving his school and friends, where he was happy and settled. The Visitor raised these concerns with DoCS and the placement was reviewed. As a result, Matthew and his sister were involved in the decision to find a different foster family, much closer to his friends, family and school.

## Management responsibility

Service management are responsible for smooth day-to-day operation of the service, including staff recruitment, training and monitoring. One aspect of concern to Visitors is poor records management and storage.

## Environment and facilities

Visitors report that during the year several services opened or closed, resulting in children and young people being disrupted and moved between visitable services. In addition, Visitors find that some services are poorly suited to the needs of the young people.

## movie buffs

The staff of a non-government service approached the Visitor about an issue for the young people at the service, saying that local DoCS staff had prohibited young people less than 15 years of age attending social events where M-rated movies were involved. Although the service recognised that DoCS had parental authority, and that its staff was following guidelines, they believed that the young people were missing opportunities to develop relationships with their peers. As the M rating allows parental discretion, the Visitor raised the issue with DoCS, suggesting that service staff should be able to determine which films would be appropriate for the young people to see. DoCS staff agreed that there were negative consequences for young people if the policy was inflexible. The young people are now allowed to see movies with their school friends, and everyone is extremely happy with the outcome.

## Safety

Some children and young people are living in services that are unsafe. Visitors report that this is often because staff are unaware of basic home safety and their responsibilities to ensure that residents are protected from harm. Specifically, some services have inadequate procedures to identify and report incidents that put residents at risk. For example, one Visitor found a desk drawer filled with prescription medication, easily accessed by anyone, and recommended that staff use a locked cabinet.



## growing up too soon

The Visitor to one service was concerned that Charlie, a nine-year-old boy, was witnessing an older boy's sexual exploration, including masturbation and discarded condoms. The staff were not sure how to manage the public, sexual behaviours of the adolescent, nor how to protect Charlie from being prematurely exposed to sexual information. The Visitor believed that each young person had very different developmental needs that were not being addressed, and referred the issue to the Ombudsman, resulting in the service finding alternate accommodation for Charlie.

## alone and far from home

The Visitor to one service reported that Claire, a young person in care, was so distressed by having very little contact with her family that she is harming herself. The Visitor made several suggestions to the service, such as planning for Claire to move interstate so that she can live nearer her family and have more phone calls.

## no protection from assault

Vicky is a young person living in care, and contacted the Visitor in a distressed state to say that she was being assaulted by another resident who recently arrived at her service. The Visitor found that the other resident was known to have violent behaviour, and yet there had been no consideration of the impact for

Vicky, who was particularly vulnerable and trying to deal with other recent, traumatic events. The Visitor spoke to management and the Ombudsman about the decision to co-locate two young people with such different needs. Although the other resident has since moved, Vicky continues to suffer from the harmful effects of the assaults.

# Issues in services

Services for  
children and  
young people  
with a disability



# Issues in services: Services for children and young people with a disability

Accommodation services for children and young people with a disability are provided mainly by -

- The Department of Ageing, Disability and Home Care (DADHC) - usually for children and young people with high physical support needs, such as health and medical;
- Non-government agencies funded by DADHC;
- For-profit agencies funded by either DADHC or DoCS, and usually for children and young people with a disability who have behaviours that are difficult to manage.

During 2003-04, DADHC and DoCS agreed to improve their coordination of services for children and young people with a disability who depended on both departments, such as children identified as being at risk of harm in their family home and placed in a disability service. Visitors report that this arrangement has significantly improved decision-making around funding responsibility for many children with a disability in care.

## Major issues

Visitors reported 309 issues in respect of services for children and young people with disability, of which 43% were resolved.

### Meeting individual needs

Children and young people with a disability need stable environments that have the capacity and flexibility to meet their changing needs. Visitors report, however, that some services move children through multiple placements, have poor liaison with schools, and neglect children's cultural identity. The impact for children and young people is disruptive, resulting in the loss of opportunities and social connections. Visitors also look for examples of good practice - one Visitor encouraged a non-government service to contact a resident's school so that the two agencies could coordinate their programmes to assist in managing the child's difficult behaviour.

**FIGURE 3: Data for services for children & young people with a disability**

	<b>03/04</b>
No. of Services	99
No. of Residents	467
No. of visits in 03-04 (no. in 02-03)	328 (355)
No. of issues reported (details below)	309
Average no. of issues per service	3
<b>NO. OF ISSUES RESOLVED (%)</b>	<b>133(43%)</b>

**\*Note:** The information in this table is the combined data for all services for children and young people with a disability, including those services where an adult with a disability also lives.

## Management responsibility

Visitors have reported an increasing trend in services to use casual and agency staff, instead of permanent staff. For children with disabilities, the frequent changes are confusing, and specific routines and communication systems are not implemented. The inconsistency often contributes to children becoming detached from relationships, shown by increasingly difficult behaviours.

## deciding who knows best

The staff at a service for young people with a disability told the Visitor about a dispute between the service and the parents of Sam, a young man with a disability who had epilepsy. The parents were very caring and involved with Sam's life, but refused all medical treatment for the epilepsy, only allowing homeopathic treatment. The Visitor suggested that the service take the issue to the Guardianship Tribunal for independent consideration. The outcome was an order giving the Public Guardian the right to consent to medical treatment for Sam. After consultation with a neurologist, Sam is now taking medication and his incidence of seizures has reduced.



## Environment and facilities

Visitors report that many children and young people with a disability experience multiple moves, resulting in accommodation that does not suit their specific needs. One Visitor reported that one young person had so many changes, that all their possessions were in boxes ready for the next move. Visitors are also concerned that despite the importance of stability and security for children, some are living in unsafe environments.

## cultural connections

A Visitor met Tracey, a young Aboriginal girl in a DADHC group home for children and young people with a disability. None of the staff knew about Tracey's heritage and there were no Aboriginal staff involved. The Visitor suggested that the service contact members of the local Land Council, who provided several contacts and resources about Tracey's area of origin. Tracey is now attending some specific programmes and forming friendships with other Aboriginal children.

### Privacy and dignity

Visitors find that some service staff work in ways that are primarily convenient for them, but which compromises the dignity of children and young people with a disability in their care.

### Safety

Visitors find that some services do not have emergency fire precautions in place, reporting that some staff say that fire drills are 'too hard' to do. Some services are in high-risk bushland settings, housing children and young people with a disability who are unable to move without staff assistance. Visitors are extremely concerned that unless staff have clear evacuation plans and practice drills, it is a catastrophe waiting to happen. Visitors raise these issues with senior managers as a matter of urgency.

## neglecting the basics

The Visitor to a service met Nadine, a young child with a disability who was unable to communicate verbally. The staff in the service had experience with children and young people, but not children with disabilities, and so did not know how to communicate with people who were non-verbal. Although Nadine could express her wishes in other ways, staff had no idea how to discover these methods. The Visitor was concerned that many basic needs were being overlooked, as well as simple pleasures, such as watching a favourite TV show. The Visitor provided information to staff about communication options.

## teenage bibs?

A Visitor met some young adolescents from a group home while they were at the local shops, and was concerned that all the young people were still wearing bibs from breakfast. Although recognising that the bibs may be necessary during meals because residents cannot feed themselves, staff had not considered that the young people might be highly embarrassed wearing them in public.

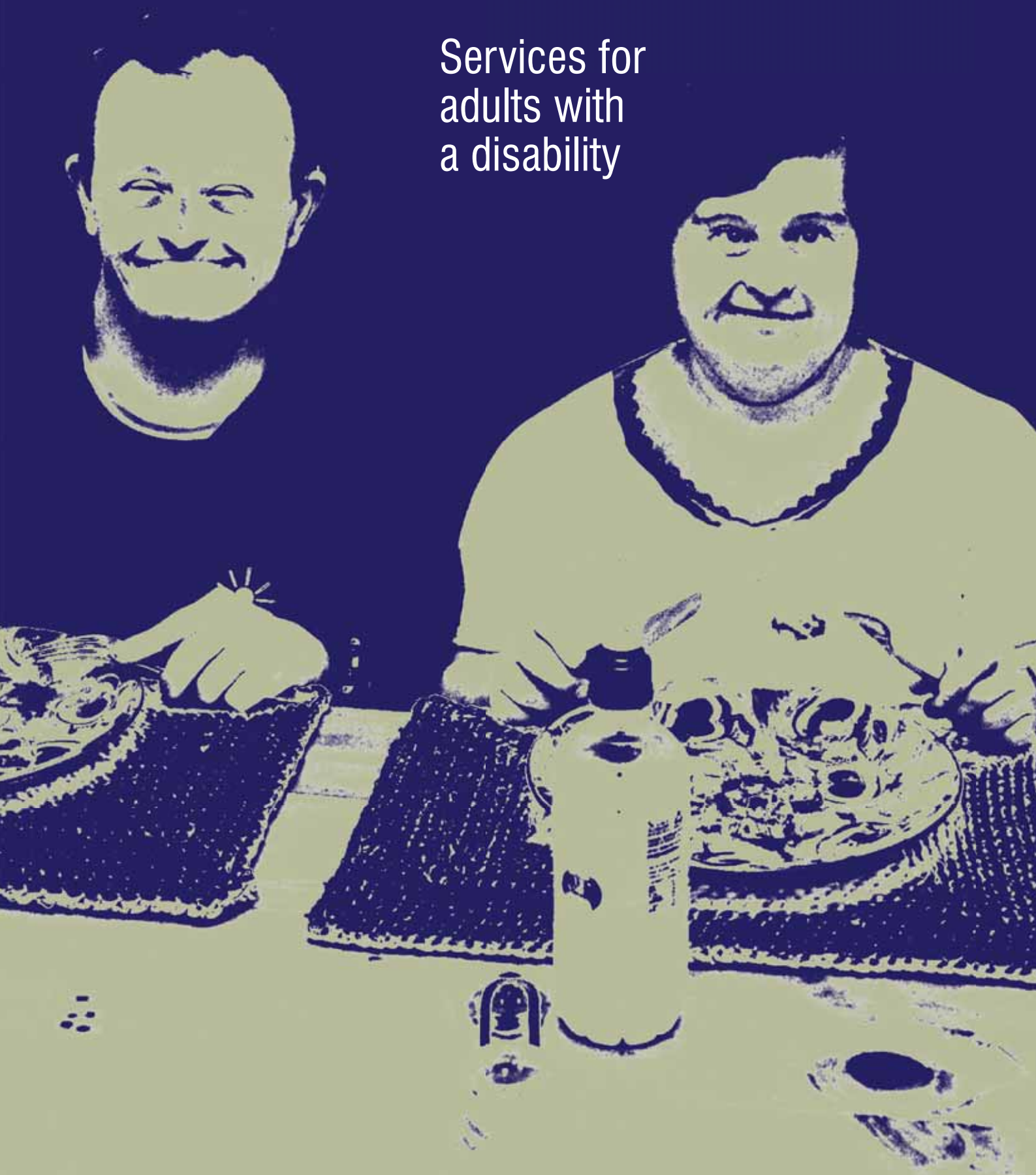
## unsafe decisions

A Visitor reported concerns about Miriam, a young girl with a disability and epilepsy. The for-profit service responsible for her care was dependent on using rental property that was frequently unsuitable. One house in which Miriam was placed had no air-conditioning, which contributed to an increase in Miriam's

seizures due to the heat. At the next house, the landlord prohibited a safety gate at the top of some stairs to protect Miriam from falling. The third house provided to Miriam was tiled throughout, increasing the risk of injury when she fell during a seizure.

# Issues in services

Services for adults with a disability



# Issues in services: Services for adults with a disability

The majority of visitable services in NSW are for adults with a disability, and there are a variety of accommodation types, including:

- Large institutional facilities – where 30 or 40 people may be housed in each unit. One residential unit visited accommodates 68 adults with a disability.
- Group homes – most are located in ordinary community settings with four to five residents each.
- Individualised support – around 120 adults with a disability in NSW are being supported in single accommodation options.

Government policy is to close large institutional facilities by 2012 because they do not comply with the *Disability Services Act* and Standards. However, the process of devolution is occurring very slowly, and there are still 163 residential units in NSW accommodating around 2,000 adults with a disability (not including licensed boarding houses).

**FIGURE 4: Data for services for adults with a disability 2003-2004**

	<b>03/04</b>
No. of Services (not including boarding houses)	879
No. of Residents	4,925
No. of visits in 03-04 (no. in 02-03)	2,511* (2,324)
No. of issues reported (details below)	2,133
Average no. of issues per service	2.4
<b>No. of issues resolved (%)</b>	<b>791 (37%)</b>

\*Note: Includes 411 visits to licensed boarding houses.

## Major issues

Visitors reported 2,133 issues in respect of services for adults with a disability, of which 37% were resolved.

### Meeting individual needs

Visitors reported 383 issues about inadequacies in individual planning for adults with a disability living in care. In response, the Ombudsman is undertaking an audit of individual planning in ten non-government disability accommodation services including file audits of 60 residents.

## listening to residents

A Visitor to a group home for adults with a disability met Karl, an elderly man who was unhappy about going to his day placement. He said that the other people were much younger than him, and were very noisy. Karl told the Visitor that he had talked to staff about this problem, but nothing had changed. The Visitor raised the issue with staff, who acknowledged that they had not taken action in response to Karl's concerns, but agreed to explore other options for him. On following up, the Visitor found that Karl no longer attends the day programme, and instead visits other older people who have also retired from work and live in group homes nearby.

## Nutrition, hygiene and health care

People with a disability in care are dependent on staff to promote their health and nutrition, and yet Visitors reported 285 issues of concern during 2003-04.

## Environment and facilities

Visitors reported 227 issues about poor service facilities. In many cases, services state that limited financial resources prohibit them improving equipment or the environment, but Visitors are concerned that neglecting some issues has serious occupational health and safety risks.

## staff and residents learning new skills

Stan lives in a non-government group home for people with a disability in western NSW, and wanted to learn to cook. This was included on his annual plan, but the Visitor found that staff did not really understand how to go about teaching this skill. The Visitor suggested that staff use photos of ingredients and meals, and showed them a simple training chart. On the next visit, the Visitor found that Stan has learnt how to independently cook several meals, and is very proud of his new skills.

## creative communication

In a non-government group home for people with a disability who are ageing, staff were concerned about the changes occurring for Carlos, a man with an acquired brain injury. Staff told the Visitor that his behaviour was becoming more difficult to manage and that he was no longer communicating in English, only Spanish - the language of his cultural background. Staff were not sure what to do, and the service was considering transferring Carlos elsewhere. The Visitor suggested that staff translate household polices and documents into Spanish. Staff developed a set of questions on cards in Spanish to offer him choices, such as "Do you want a shower now?" and included Carlos in planning Spanish menus. Carlos and staff are much happier, and all residents are enjoying the increased variety at mealtimes.



## Behaviour management

Some services are supporting people with behaviours that are challenging for service staff. At times, it may be difficult to understand why a person is anxious or violent, particularly if that person is unable to communicate their concerns. Visitors report that some staff do not have adequate information about how to assess and intervene when such behaviour occurs, and that at times staff can over-react. Visitors reported 187 issues relating to inadequate behaviour management practices.



## Management responsibility

Several Visitors reported concerns about an over-use of casual and agency staff, which can be very disruptive for people with a disability, some of whom rely on clear and consistent routines.

## taking unsafe risks

The Visitor to a group home for adults with significant physical disabilities was concerned to find that staff were manually lifting residents. Staff said that a hoist had been purchased, but was in the garage, waiting for available funds to install it in the bathroom. When the Visitor raised the concerns about risks to residents and staff, and the service's legislative obligations, the service commenced the bathroom renovations.

## weighty neglect

A Visitor reported a serious issue for Zoe, a young woman who was significantly underweight, at less than 25 kgs. Despite raising the issue with service staff and requesting that they seek medical advice, the

Visitor was concerned to find that staff had taken no action. The Visitor spoke urgently to service management, and the doctor's recommendations to improve Zoe's weight are now being implemented.

# Our work: Official Community Visitors Northern Region

In 2003-04, there were four regional Visitor groups. The regions identified in this report do not follow government boundaries, but represent geographical groupings of Visitors, who meet regularly for networking, support and to consider local and systemic issues arising from their visits to services.



**FIGURE 5: Data for services in Northern NSW**

	No. of Services	No. of Issues	Key Issues
Children & young people	28	30	<ul style="list-style-type: none"> <li>• Access to family and friends</li> <li>• Privacy &amp; dignity</li> <li>• Medication</li> </ul>
Children & young people with a disability	16	28	<ul style="list-style-type: none"> <li>• Privacy &amp; dignity</li> <li>• Management responsibility</li> <li>• Safety</li> </ul>
Adults with a disability	207	387	<ul style="list-style-type: none"> <li>• Behaviour management</li> <li>• Nutrition, health &amp; hygiene</li> <li>• Privacy &amp; dignity</li> </ul>
<b>TOTAL</b>	<b>251</b>	<b>445</b>	



- Visits people with a disability in the Hunter, Central Coast and Sydney
- Author, publisher and activist on environmental, health, social justice and equity issues
- Experience with self-help housing groups, an indigenous housing organisation, medical consumer networks, and has developed an accessibility guide to Sydney
- Parent of a child with a disability.

## having a ball!

Alfred used to live in a large residential institution in the northern region of NSW, and was moved to a smaller unit on the site. The Visitor spoke to Alfred's mother, who said that when he was a child, and then later in the large residential institution, he seemed unable to learn ball

sports. The Visitor was pleased to find that he got on well with the other residents in the smaller unit, and that since the move, staff had taught him some ball skills. Alfred is now confidently playing netball in a local team each weekend.

Robert Farley



- Visited people with a disability in the Hunter and Central Coast, and left the scheme during the year
- Experience as a consultant and community educator
- Personal experience with a physical disability.

Marjorie Morris



- Visits people with a disability in the Mid-North Coast
- Experience in counselling for TAFE and the Vocational Guidance Bureau for over 22 years
- Degree and Masters in psychology
- Parent of a child with a disability.

Francesca Seychell



- Visits children and young people, and people with a disability in the Far North Coast
- Experience in advocacy, counselling and education for families and people with disability at local, national and international forums, and board member of Carers NSW
- Degree in social science
- Parent of a child with a disability.

Wendie Bradley



- Visits people with a disability, and people in boarding houses, in the Hunter and Central Coast
- Experience in senior roles with Home Care for 22 years
- Trained in human resource management, mediation, public relations and conflict resolution.

Scott Goodwin



- Visits children and young people, and people with a disability, in the Hunter and Central Coast
- Experience as a community chairperson, in various roles with legal aid, mediation, and community justice conferencing
- Currently completing a law degree
- Personal experience with a physical disability.

Monica Gibson



- Visits children in care, and people with a disability in the New England area
- Experience as a disability educator and advocate
- Training in welfare studies.

Gwynne Travers-Barnes



- Visited people with a disability in the Hunter, Central Coast and New England, and left the scheme during the year
- Experience in middle management, teaching, counselling, women's centres and research in community work on environmental, social justice, and human rights issues
- Training in social science and social ecology.

# Our work: Official Community Visitors Western Region

**FIGURE 6: Data for services in Western NSW**

	No. of Services	No. of Issues	Key Issues
Children & young people	0	2*	• Safety
Children & young people with a disability	6	11	• Meeting individual needs • Behaviour management • Safety
Adults with a disability	139	390	• Meeting individual needs • Nutrition, health & hygiene • Privacy & dignity
<b>TOTAL</b>	<b>145</b>	<b>403</b>	

\*Note: The number of services in each region are counted at the end of the 2003-2004 year, therefore these two issues were identified in a service that was no longer visitable by 30 June 2004.

Mark Ptolemy



- Visited in the Blue Mountains and Sydney, and completed his six-year term of appointment during the year
- Experience as carer, educator, trainer and vocational advisor to people with a disability, and roles with NSW Council for Intellectual Disability, and Disability Council of NSW

## Western NSW

• Broken Hill

Dubbo •

Orange •

## trapped at home

A Visitor in the western region of NSW visits a non-government group home for five adults with an intellectual disability. The service is in a remote, rural area and the service has made very little effort to develop interesting and meaningful activities for residents. While some residents have limited access to a day program or post-school options programs, the Visitor found that residents spend many hours each day with nothing to occupy their time. Most residents rarely have

the opportunity to participate in local community activities or go on outings. Despite raising these issues with the service, the Visitor was concerned that management did not take adequate action to resolve the issues. The Visitor invited the Liaison Officer with the Visitor Team to join her on some visits to the service. As a consequence, the Ombudsman is investigating the concerns as a formal complaint, and is meeting with senior staff to resolve these issues.

Lynette Wittig



Lyn Porter



- Visits children and young people, and people with a disability in the Blue Mountains and Sydney
- Experience in responding to child protection and domestic violence for 15 years
- Parent of a child with a disability.

Patrick McGirr



- Visited people with a disability, and people in boarding houses in Western Sydney, and left the scheme during the year
- Experience in senior management, human services, local council and as a university lecturer
- Currently studying for a law degree
- Close relative of a person in residential care.

Cassie Gardner



- Visits children and young people, and people with a disability in the Central and Far West
- Experience in early intervention and education, and advocacy for people with a disability in regional areas
- Currently completing training in habilitation (disability) studies
- Parent of a child with a disability.

Wendy Watson



- Visits children and young people, and people in boarding houses in the Blue Mountains and Sydney
- Degree in history, philosophy and politics, and a Masters degree in special education.
- Experience in the education and welfare with children and young people.

- Visits people with a disability and people in boarding houses in the West and Orana
- Experience in disability, and child protection, and senior management in community resources
- Training in psychiatric nursing.

Phyllis Setchell



- Visits people with a disability in the Orana and Central West
- Experience in early childhood, adult literacy, employment training, family support, disability and community development
- Grandparent of a child with a disability.

# Our work: Official Community Visitors Southern Region

**FIGURE 7: Data for services in Southern NSW**

	No. of Services	No. of Issues	Key Issues
Children & young people	12	34	<ul style="list-style-type: none"> <li>• Meeting individual needs</li> <li>• Safety</li> <li>• Management responsibility</li> </ul>
Children & young people with a disability	12	14	<ul style="list-style-type: none"> <li>• Meeting individual needs</li> <li>• Environment and facilities</li> <li>• Safety</li> </ul>
Adults with a disability	84	83	<ul style="list-style-type: none"> <li>• Meeting individual needs</li> <li>• Environment and facilities</li> <li>• Entry and exit</li> </ul>
<b>TOTAL</b>	<b>108</b>	<b>131</b>	



Jan Gouma

- Visited people with a disability in the Riverina/ Murray, and completed her six-year term of appointment during the year
- Experience in community services and advocacy
- Degree in welfare and gerontology.



## promoting residents' rights

A Visitor in southern NSW visits a licensed boarding house for 33 residents. Although the Official Community scheme is a new monitoring mechanism for the service and residents, the Visitor and manager have quickly developed an open working relationship. During a recent visit by the Visitor and the Visitor Team's Liaison Officer, there was productive discussion with the

manager about a number of issues for residents. In addition, the manager was particularly interested in the Ombudsman's education program for consumers, called the *Rights Stuff*, and enthusiastically agreed to provide an opportunity for residents to learn about their rights, and for staff to have training in handling consumer complaints.

Mohan Gunasekara



- Visited people with a disability in the Illawarra and Southern NSW, and left the scheme during the year
- Experience in senior management in children's services and community services
- Degree in commerce.

Denise Fraser



- Visits children and young people, people with a disability and people in boarding houses in the Southern Highlands and South West Sydney
- Experience in Department of Community Services, criminal justice, health care and psychiatric services
- Degrees and training in teaching, social work, management and criminology
- Parent of a child with a disability.

Margaret Stevens



- Visits people with a disability in the Riverina/ Murray
- Experience in management in children's services and skills training, tutoring in TAFE on disability, and community development
- Training in welfare.

Julie Mitchell



- Visits children and young people, and people with a disability in Wollongong and Southern NSW
- Experience and training in out-of-home care services, support and education for people experiencing domestic violence, and advocacy.

# Our work: Official Community Visitors Metropolitan Sydney

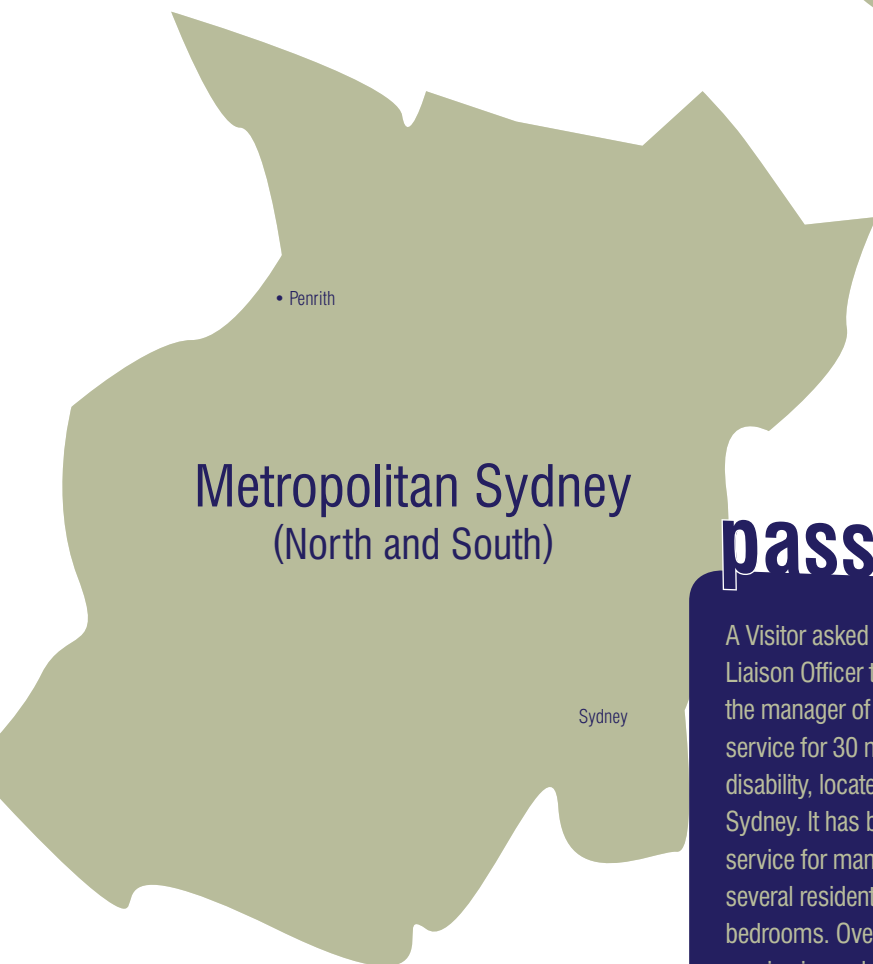
**FIGURE 8: Data for services in Metropolitan Sydney**

	No. of Services	No. of Issues	Key Issues
Children & young people	71	385	<ul style="list-style-type: none"> <li>• Meeting individual needs</li> <li>• Privacy and dignity</li> <li>• Management responsibility</li> </ul>
Children & young people with a disability	61	243	<ul style="list-style-type: none"> <li>• Meeting individual needs</li> <li>• Management responsibility</li> <li>• Environment and facilities</li> </ul>
Adults with a disability	528	1,590	<ul style="list-style-type: none"> <li>• Meeting individual needs</li> <li>• Nutrition, health &amp; hygiene</li> <li>• Management responsibility</li> </ul>
<b>TOTAL</b>	<b>660</b>	<b>2,218</b>	

Metty Cassimatis



- Visits people with a disability in Sydney
- Experience as director of a disability service and community development
- Parent of a child with a disability



## passing on a great idea

A Visitor asked the Ombudsman's Liaison Officer to go with her to meet the manager of a non-government service for 30 men with an intellectual disability, located on the outskirts of Sydney. It has been an institutional service for many decades, and several residents are sharing bedrooms. Over the past year, the service is gradually developing semi-independent housing - three men have already moved and eight more residents will soon move into

small group accommodation. Despite the constraints of an institutional structure, the Visitor considers that the service has been enthusiastic and responsive to her suggestions, such as developing interesting community activities, focusing on developing skills and independence, and creating communication systems for residents to participate in decisions about their daily lives. The manager expressed appreciation for the Visitor's input and encouragement.

Losena Ma'ake



- Visits people with a disability in Sydney
- Degree in social science, and Masters in social policy
- Experience in senior roles in aged care, disability, housing, child protection, programme evaluation, reviews, project management, and with people from culturally diverse communities.

Keith Manning



- Visited people with a disability in Sydney. Keith died during the year and is greatly missed
- Experience in disability services, Office of the Public Guardian, and community development
- Degree in welfare, and Masters in community education and human relations.

Liz Rhodes



- Visits children and young people, and people with a disability in Sydney
- Experience in criminal justice, mental health, negotiation and child protection investigation
- Training in organisational planning and alternative dispute resolution.

Cerdic Hall



- Visits children and young people, people with a disability and people in boarding houses in Sydney
- Degree in psychiatric nursing
- Experience in community outreach and outpatient roles, with the Health Care Complaints Commission.

Julie Millard



- Visits people with a disability, and people living in licensed boarding houses in the Sydney area
- Experience in residential care settings, mental health, and problem solving for over 15 years.

Jane Thomson



- Visits people with a disability, and people living in licensed boarding houses in the Sydney area
- Experience in disability service systems, residential settings and advocacy for over 17 years.

# Our work: Ombudsman's Visitor coordination team

The Ombudsman's Visitor coordination team is responsible for:

- The day-to-day operation and administration of the scheme
- Assisting Visitors and other areas of the Ombudsman's office in responding to issues for people living in visitable services
- Working strategically to promote the effectiveness of the scheme as a mechanism for enhancing the human rights of people in care.

## About the team

**Tony Ovadia** - Team Leader during most of 2003-04 and left the Ombudsman's office in June 2004.

**Edwina Pickering** – Team Leader from July to August 2003, will return to the role in 2004-05.

**Matthew Dening** – Team Support Officer.

**Storm Stanford** – Administration Officer

**Marcelle Williams** – Liaison Officer

**Christine Carter** – Temporary Project Officer assisting with the new jurisdiction of licensed boarding houses, and revising the Visitor policy manual

## Promoting the resolution of issues

Visitors work alone and, given the nature of the work, this can be stressful and demanding. Visitors provide peer support to each other through the four regional groups and their informal networks. Some Visitors are allocated to services as part of a team approach, enabling opportunities for consultation about issues.



The Ombudsman provides a range of additional mechanisms to support Visitors around complex service issues. During 2003-04, support included:

- Creation of a new Visitor Liaison Officer position, to provide support to Visitors in their visits to services
- Improving links between Visitors, the Ombudsman's Visitor coordination team and other areas of the Ombudsman's office. In 2003-04, Visitors referred ten matters to the Ombudsman for further review or investigation
- Developing specific information to assist Visitors in their visits to licensed boarding houses
- In February 2004 providing briefings to Visitors on licensed boarding houses, and in June 2004 providing briefings on disability services
- In September 2003 and May 2004 arranging a meeting between Visitors and the Minister for Community Services to discuss systemic issues in services
- In November 2003 and May 2004 coordinating conferences for Visitors to provide training and networking opportunities
- Producing three newsletters for Visitors to exchange information and provide updates about the sector.

The Ombudsman also promoted understanding of the scheme by the community sector by:

- Revising and distributing the booklet 'A Voice for People in Care: Answering your Questions about the Official Community Visitor Scheme'
- Presenting information sessions for service staff and families about the role of the scheme
- Handling calls from service staff and families who had queries about the scheme or wanted to contact a Visitor.

### **Improving the operation of the scheme**

We continually strive to enhance the effectiveness of the scheme, by consulting with Visitors and reviewing the performance of the scheme. Some of our activities included:

- Revising the policy and practice guidelines for Visitors and for the Ombudsman's Visitor coordination team
- Meeting with Visitors' representatives to discuss issues affecting their work
- Commencing recruitment for additional Visitors
- Reviewing the scheme's database, identifying specific areas for enhancement.

### **Priorities for 2004-05**

Our priorities for 2004-05 include:

- Improving analysis of information provided by the Visitors
- Improving the way we manage the balance between the need to visit a broad range of services with the limited available resources.



# Financial report

The Official Community Visitor scheme forms part of the Ombudsman's Crown Transactions Entity. Visitors are paid on a fee-for-service basis and are not employed under the *Public Sector Employment and Management Act 2002*. However, for budgeting purposes these costs are included in Employee Related Expenses (see Visitor Related Expenses in figure 9).

Costs that are not included here are items incurred by the Ombudsman in coordinating the scheme, including Ombudsman staff salaries, and administration costs such as payroll processing, employee assistance programme fees, and workers' compensation insurance fees. Full financial details are included in the audited financial statements in the Ombudsman Annual Report 2003-04. Copies of this report are available from the Ombudsman on (02) 9286 1000, toll free on (1800) 451 524 or on the website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

**FIGURE 9: Visitor related expenses 2003-2004**

<b>Payroll expenses</b>	<b>02-03 expenditure</b>	<b>03-04 expenditure</b>
Visitor remuneration	337,939	380,007
Carers fees	5,722	-
Establishment costs	8,200	4,050
Superannuation guarantee contributions	28,975	34,827
Payroll tax	21,828	22,926
Payroll tax liability	1,588	2,084
<b>SUB TOTAL</b>	<b>404,251</b>	<b>443,934</b>
<b>Other operating expenses</b>		
Advertising - recruitment	6,504	7,619
Fees - contracted services	829	-
Fees - staff development	-	1,823
Fees - conferences	26,797	20,156
Minor expenses	-	600
Postage	2,169	-
Printing	8,476	16,460
Stores	388	2,893
Travel - petrol allowance	125,944	150,979
Travel - subsistence	26,849	37,055
Travel - other	31,325	42,614
<b>SUB TOTAL</b>	<b>229,281</b>	<b>280,199</b>
<b>TOTAL EXPENSES</b>	<b>633,532</b>	<b>724,133</b>

**Notes to table:**

1. Meal allowances are included in 'Travel - subsistence'
2. 'Travel - other' includes Visitors' costs, such as air, bus, train and taxi fares, postage, stationery and telephone bills

## Appendix

**Data on visits to services and issues for residents - 1 July 2003 to 30 June 2004**

<b>Target group of services</b>	<b>No. of services</b>	<b>NO. of residents</b>	<b>Visits 02 - 03</b>	<b>Visits 03-04</b>	<b>Average no. of issues per services</b>	<b>Number of issues (# resolved)</b>
Children & young people	111	266	259	282	4	499 (215)
Children & young people with disabilities	62	209	189	184	3.6	221 (97)
Children, young people and adults with disabilities	37	258	166	144	2.4	88 (36)
Adults with disabilities (including licensed boarding houses)	959	5,895	2,324	2,511	2.4	2,341 (856)
<b>TOTAL</b>	<b>1,169</b>	<b>6,628</b>	<b>2,938</b>	<b>3,121</b>	<b>2.7</b>	<b>3,099 (1,204)</b>

### Annual Report

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Designed by: Andrew Borghouts