

Licensed boarding houses

The Ombudsman is the independent and impartial watchdog for community services in NSW. Through his role, the Ombudsman:

- promotes and protects the rights and best interests of consumers of community services in NSW; and
- assists service providers to meet their obligations under the community welfare legislation

The Ombudsman carries out his role under the *Community Services (Complaints, Reviews & Monitoring) Act 1993* and the *Ombudsman Act 1974*.

Licensed boarding houses in NSW were brought within the jurisdiction of the Ombudsman in December 2002.

What are licensed boarding houses?

Any 'residential centre for handicapped persons' licensed or declared under the *Youth and Community Services Act 1973*. There are over 65 such facilities in NSW, providing accommodation and support to approximately 1,200 people with a disability. These centres generally do not receive any direct funding through the NSW Government, but residents receive a range of community services funded through the government's Boarding House Reform Strategy.

What is the Ombudsman's role in relation to licensed boarding houses?

1. Official Community Visitors

The Ombudsman coordinates the activities of Official Community Visitors, who visit over 1,000 residential services for children and young people in care, and accommodation services for people with a disability in care throughout NSW. Visitors try to resolve residents' concerns at the local level with the service, observe the conduct of services, and report to the Ombudsman and to the Minister for Community Services. From December 2002, Visitors will visit people living in licensed boarding houses throughout NSW.

What does it mean for managers of licensed boarding houses?

Managers of licensed boarding houses will need to assist Visitors so that they can perform their functions. Visitors are authorised to:

- enter and inspect the service at any reasonable time
- confer alone with any resident or person employed by the service

- inspect any document that relates to the care of residents' or the operation of the service:
 - › this may include residents' files, correspondence with Ageing, Disability and Home Care etc but would not include commercial or financial records unrelated to the care of residents.

2. Reviewing deaths

The Ombudsman can review the circumstances surrounding the deaths of people who are residents of licensed boarding houses, looking at the causes and patterns of deaths and recommending ways to improve services in order to reduce early or preventable deaths.

What does it mean for managers of licensed boarding houses?

Managers must report the deaths of any resident of their service to the Coroner, generally through the Police who should be contacted at the time of the person's death (this includes people who were temporarily absent from the service at the time of their death). The Coroner will look at each death, decide whether an inquest is necessary, and give information to the Ombudsman.

Managers must also report these deaths to Ageing, Disability and Home Care (ADHC) on the appropriate form, and ADHC will inform the Ombudsman.

Managers must give the Ombudsman full access to relevant records relating to these deaths.

3. Handling complaints

The Ombudsman can deal with oral and written complaints about the conduct of a licensed boarding house, or its employees. The Ombudsman will deal with each complaint objectively and with a strong emphasis on local resolution where possible.

What does it mean for managers of licensed boarding houses?

Managers will be advised of the complaint, and of the procedure to be followed, and will have an opportunity to give their views.

4. Reviewing the situation of a person

The Ombudsman can review the situation of a person, or group of people, with disabilities in care. This includes residents of licensed boarding houses. In doing so, the Ombudsman will look at the person's welfare, status, progress and circumstance. The Ombudsman reports to the Minister for Disability Services, the manager of the licensed boarding house, and other

appropriate people on the results of the review, and can also make recommendations to improve the welfare and interests of the person, or group of people.

What does this mean for managers of licensed boarding houses?

Managers will need to provide the Ombudsman with relevant documentation to assist the review.

How does the Ombudsman assess standards of services and conduct?

The primary criteria are the best interests of the consumer and compliance with the objects, principles and provisions of the community welfare legislation. This includes compliance with the standards set out in the licensing conditions for boarding houses.

The Ombudsman is not an advocate for individual consumers, but promotes improvements in the delivery of community services and the rights and best interests of consumers through its recommendations.

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.