



About the Council of Official Visitors

What is the role of the Council?

The role of the Council of Official Visitors is to provide an independent advocacy service for individuals who are currently being treated under the *Mental Health Act 1996* and/or who are living in private psychiatric hostels.

The Council is primarily there to:

- ensure that individuals are aware of their rights
- ensure that these rights are being observed
- investigate and seek to resolve complaints
- ensure the places where individuals are detained under the Act or cared for in psychiatric hostels are safe and suitable.

The *Mental Health Act 1996* lists a number of functions to be carried out by the Council of Official Visitors including to ensure that:

- each authorised hospital is visited at least once in each month by an Official Visitor
- at any time the Minister for Mental Health so directs, licensed private psychiatric hostels are visited. The Minister has directed that they are visited at least once every two months
- individuals are visited as soon as practicable after a visit is requested.

Who can the Council assist?

The Council was established to assist 'affected persons' under the *Mental Health Act 1996*. 'Affected person' (section 175) includes:

- individuals receiving treatment involuntarily or who are mentally impaired accused person in an authorised hospital
- individuals on Community Treatment Orders
- individuals with a psychiatric disability who live in a private psychiatric hostel or group home.

Who makes up the Council?

The Council consists of a Head of Council and a number of members, called Official Visitors, who undertake the major tasks of the Council. The Head of Council and Official Visitors are appointed by the Minister for Mental Health for terms up to 3 years.

The Head of Council and the Official Visitors are people from the general community. Some will have formal qualifications, others will not. They all have an understanding

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of mental illness and a commitment to ensuring that people receive quality care from mental health services.

There is a Manager who is responsible for the day to day running of the Council and three staff members. The Manager and staff are not Official Visitors, nor members of the Council.

What is the role of an Official Visitor?

The *Mental Health Act 1996* lists a number of functions for the Official Visitors including:

- to ensure that 'affected persons' are aware of their rights
- to ensure that these individuals' rights are observed
- to inspect authorised hospitals and hostels to ensure that they are kept in a condition that is safe and otherwise suitable
- to be accessible to hear complaints made by 'affected persons' or their guardians, or relatives
- to enquire into and seek to resolve these complaints
- to refer matters to any other person or body if that is appropriate
- to assist with making and presenting an application to the Mental Health Review Board.

What powers do Official Visitors have?

Under the *Mental Health Act 1996* the Official Visitors have a number of powers:

- to visit, with or without notice, an authorised hospital or private psychiatric hostel
- this visit may be at any time and for as long as the Official Visitor or panel sees fit
- during the visit they may
 - inspect any part of the facility
 - see any 'affected person' who does not decline to be seen
 - make enquiries related to those individuals
 - inspect documentation kept.

'Affected persons' have the right to deny being seen by Official Visitors and to deny the Official Visitors access to their medical records.

Confidentiality

The affected person/Official Visitor relationship is strictly confidential.

Official Visitors have the power under the Act to inspect medical records (unless denied by the 'affected person'). Official Visitors, similar to staff at mental health services, are bound by the confidentiality provisions of the *Mental Health Act 1996* (section 206), specifically:

"206 (1) *A person must not directly or indirectly divulge any personal information obtained by reason of any function that the person has, or at any time had, in the administration of this Act or the Mental Health Act 1962. ...*

(2) *subsection (1) does not apply to the divulging of information –*

- (a) *in the course of duty;*
- (b) *under this Act or another law;*

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- (c) *for the purposes of investigation of any suspected offence or the conduct of proceedings against any person for an offence; or*
- (d) *with the consent of the person to whom the information relates, or each of them if there is more than one."*

It is not intended that an adversarial relationship be developed with service providers as the focus is on the quality of care received. It is acknowledged that at times there will be differences of opinion and creative tension.

How does the Council work?

The Council has two major ways of operating.

1. **Inspection visits** of the authorised hospitals and private psychiatric hostels are planned on a monthly basis and can occur at any time with or without advance notice. Visits to authorised hospitals occur at least once every month and to the private psychiatric hostels at least once every two months. Official Visitors prepare written reports on the inspection which are provided to the hospital or hostel to action matters that require attention.
2. The Council also responds to **requests for visits** by affected persons. The Council's policy is to respond to these requests either by phone or a visit within 24 hours for individuals ringing in for the first time and 48 hours for other individuals. All calls come through Council's office and Official Visitors conduct a weekend call roster. Flexibility and responsiveness are important elements of how the Council operates. Official Visitors must submit written reports from contact with consumers on a weekly basis (preferably electronically).

In addition, Official Visitors are members of a board which makes decisions on the Council's policies and procedures. Agendas for meetings are circulated to Official Visitors who are expected to have read and prepared for meetings. Official Visitors are expected to regularly attend 8 monthly meetings with their groups and obligatory twice yearly meetings of the Full Council. The twice yearly meetings are held over 2 days, as they are combined with a training day, and are held in the metropolitan area usually in early June and early December.

How do people make contact with the Council?

Contact with the Council can be made via:

- **telephone** the office on (08) 9226 3266 or 1800 999 057
- **in person** when an Official Visitor is visiting a hospital or hostel
- **visit** to the Council's office at Unit 1, 18 Harvest Street (cnr Hay Street), West Perth
- **email** to info@coov.org
- **letter** (no stamp required) addressed to:
Reply Paid 61349
Council of Official Visitors
Unit 1, 18 Harvest Street (cnr Hay Street)
WEST PERTH WA 6005;
or
- **mailboxes** located in some hospital wards that are cleared by Official Visitors.

The Council also has a web site accessed at www.coov.org.

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What is expected of Official Visitors?

It is expected that Official Visitors will:

- have a strong commitment to human rights
- be empathic, a good listener and talk easily with people from all walks of life and all ages
- be articulate
- not be judgmental
- understand that advocacy is aimed at empowering and being the voice of the individual – it is not a counselling role and not the job of the Official Visitor to decide what is in the individual's best interest
- have flexibility to respond to requests for visits by consumers (which may include weekends and nights)
- follow through on issues and complaints raised with the Official Visitor and to advocate for the individual as needed
- attend and contribute to meetings, and also to do Council work as needed out of hours
- write reports and letters as a result of visits to hospitals and hostels, and from contact with individuals
- have access to a mobile phone with voice mail
- have basic computer skills and regular access to email
- have a car or ready access to public transport.

Remuneration

Official Visitors are paid a sitting/sessional fee for the work they do on behalf of the Council and there is no guarantee of work. Official Visitors are also reimbursed for the costs incurred in the performance of their role, for example for kilometres travelled.

The sitting/sessional fees are:

- \$220** for half a day (4 hours or under) and
- \$320** for a full day (over 4 hours).

Amount of work

There is **no guaranteed minimum amount of work for Official Visitors**. The workload of the Council fluctuates depending on the number and type of requests from consumers. Some consumer requests will only involve a phone call or one visit; others may require intensive work with meetings and follow-up phone calls and correspondence. Official Visitors are contacted by the office when requests for visits are made by affected persons. The Official Visitor can choose whether to take on a new matter depending on their circumstances and other commitments at the time. Individuals who are more readily available, particularly out of normal office hours, and accessible generally, therefore receive more work. Official Visitors can also take leave at any time, although it is expected that this will not be when full council meetings are held unless the Official Visitor is on long extended leave.

In country regions the work load tends to be less than in the metropolitan area because the bed numbers are smaller and some country regions do not have psychiatric hostels. Although there is no guaranteed minimum amount of work, an Official Visitor in a country region can expect to do at least one half day inspection a month plus one half day meeting. They also need to be able to come to Perth for 2 days twice a year (usually on a Thursday and Friday in early June and December).

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Government Employees

People who are employed by Local, State or Commonwealth government, current or retired judicial officers and current employees of public academic institutions may not be eligible for payment of sitting/sessional fees but may be reimbursed for other expenses. A former Member of Parliament may not be eligible for appointment if it is less than 12 months since being in the Parliament. Please contact the Manager to discuss your situation if you are in one of these categories.

What training and support is offered to Official Visitors?

Official Visitors are provided with initial orientation training over 2 days in Perth and a comprehensive Induction Manual upon appointment. New appointees are then asked to accompany more experienced Official Visitors to obtain an understanding of the type of work undertaken by the Council. Mentors are provided and ongoing support and advice is available from the Head of Council, other Official Visitors and the Manager.

Additional training is offered either internal to the Council or via outside agencies as appropriate.

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