

Authorised Officers – Entry of Premises Policy

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Contact:

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Approval

Prepared by	Project Management Officer	1300 135 513	September 2013
Through	Director, Disability and Community Services	1300 135 513	6 November 2013
Cleared by	Deputy Secretary, Disability, Housing and Community Services	1300 135 513	6 November 2013

Revision History

Version	Approved by name	Approved by title	Amendment notes

This Policy may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for the Department of Health and Human Services. **PLEASE DESTROY PRINTED COPIES.** The electronic version of this Policy is the approved and current version and is located on the Department of Health and Human Services' Strategic Document Management System. Any printed version is uncontrolled and therefore not current.

Purpose

- The purpose of this policy is to ensure that State Service employees or State Service officers authorised to enter funded service provider's premises, or private funded premises under Part 4, Division 3 of the Tasmanian *Disability Services Act 2011* (the Act), perform their relevant duties and functions and meet their responsibilities in line with the requirements of the Act and Departmental policy and procedures.
- The policy sets out the rights, processes and requirements to be followed by 'authorised officers' when entering funded premises.

Transition to the NDIS

- Until commencement of the Full Scheme NDIS on 1 July 2019 all providers delivering DCS funded specialist disability services and services to NDIS funded participants are required to maintain compliance with DCS policies and procedures.
- Working collaboratively, open communication and information sharing during this transition period are essential. Providers with questions about DCS policies and procedures should contact their DCS Area Office, Community Partnership Team for clarification.
- Existing arrangements relating to Quality and Safety will remain in place for all individuals and NDIS participants until a National Approach is finalised. Eg. providers are required to comply with the *DHHS Quality and Safety Standards Framework for Tasmania's Agency Funded Community Sector* and ensure compliance with the *Tasmanian Disability Services Act (2011)* and *Tasmanian Disability Services Regulations (2015)*. Providers will be notified formally of any change in arrangements relating to quality assurance.

Mandatory Requirements

- Within the Disability and Community Services program, all Disability and Community Services Area Managers and all employees of the Disability Assessment and Advisory Teams (DAAT), the Community Partnership Teams (CPT) and Disability Consultants in each Area may become 'authorised officers' under section 25 of the Act.
- This will ensure adequate coverage and accessibility, and allow flexibility in appropriate and specific skill sets being available to address individual situations.
- In line with the requirements of the Act (section 25(2)) all relevant officers must be authorised in writing stating the type of funded premises covered by the authorisation.
- The Secretary may authorise any other State Service employee or officer as considered appropriate.
- As DAAT, CPT, Disability Consultants and Area Managers positions become vacant and are advertised for filling, the relevant Statements of Duties (SODS) are to be modified to include the functions of Authorised Officers. For current SODs the functions of Authorised Officers are to be covered under 'other duties as directed'.
- The Disability and Community Services program, in conjunction with the Workforce Development Unit, will on an ongoing basis, identify and address relevant training needs for Authorised Officers.

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- Authorised Officers will continue to operate under their current reporting structures.
- Area Managers must endorse the entry of premises, removal of documents or relocation of persons with disability, prior to any Authorised Officer entering any premises.
- Area Managers must provide, in line with current reporting processes, relevant data and client outcome information to the Director, Disability and Community Services, in regard to the activities of Authorised Officers.
- This is a DHHS wide policy and must not be re-interpreted so that subordinate policies exist. Should discreet operational differences exist, these should be expressed in the form of an operating procedure or protocol.
- **Failure to comply with this policy**, without providing a good reason for doing so, may lead to disciplinary action.

Roles and Responsibilities/Delegations

- Under Part 4, Division 3 of the Disability Services Act 2011, the Secretary of the Department of Health and Human Services, may authorise, in writing, a State Service employee or officer to enter funded provider's premises, or private funded premises, or both.
- An 'authorised officer' may only enter premises, for the purposes of :
 - 1) Determining the extent to which the terms and conditions of a Funding Agreement are being complied with;
 - 2) Ensuring that persons with disability who reside or receive a service in the premises are receiving the care and support necessary or desirable for their health and wellbeing. Or
 - 3) To ensure the safety of persons with disability who are within the premises.
- Currently within the Disability and Community Services program of the Department of Health and Human Services, all Disability and Community Services Area Managers, all employees of the Disability Assessment and Advisory Teams (DAAT), the Community Partnership Teams (CPT) and Disability Consultants in each Area may be authorised officers under section 25 of the Act.
- In line with the requirements of the Act (section 25(2)) all relevant officers and employees must be authorised in writing stating the type of funded premises covered by the authorisation.
- The Secretary may authorise any other State Service employee or officer as considered necessary or appropriate.
- The current authorised officer instrument can be found at [http://www.dhhs.tas.gov.au/disability/publications/policies,_procedures_and_guidelinesRisk Implications](http://www.dhhs.tas.gov.au/disability/publications/policies,_procedures_and_guidelinesRisk%20Implications).
- Non-compliance with all or part of this policy may result in a breach of specific provisions under the Disability Services Act 2011 and duties of employment.

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Training

- Disability and Community Services program in conjunction with the Workforce Development Unit, will on an ongoing basis, identify and address relevant training needs for Authorised Officers.

Audit

- This policy will be included in the work program of the DHHS Internal Audit function. This work program is approved by the Audit and Risk Committee and will assess underlying systems and procedures for compliance with the requirements of this policy. The overall focus of this assessment will be one of continuous improvement to DHHS activities.

Attachments

- I *Tasmanian Disability Services Act 2011*.

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