



## Fact sheet

# Monitoring the treatment of people detained in private aged care facilities

26 July 2018

On 6 June 2018, Justice Minister Andrew Little gazetted new responsibilities for the Chief Ombudsman in monitoring and inspecting the treatment of people detained in privately run aged care facilities.

This is an extension to the Chief Ombudsman's OPCAT (Optional Protocol to the Convention Against Torture) mandate to ensure decent and humane treatment of people held in detention. It addresses New Zealand's international obligations to have independent inspections.

This is the first in a series of fact sheets about a new monitoring programme. More information will be made available as the programme is developed over the next 12 months.

### **Why we are monitoring privately run aged care facilities**

New Zealand has made an international commitment to ensure the fair treatment of people in its detention facilities. This includes people detained in privately run aged care facilities.

The Chief Ombudsman already monitors the treatment of people detained in state-run health and disability places of detention, including those detained in dementia facilities, to ensure these residents are not subjected to cruel, inhuman, or degrading treatment.

Extending the Chief Ombudsman's mandate to monitor the treatment of people detained in privately run aged care facilities will provide New Zealanders and the United Nations with a good, independent overview of how some of our most vulnerable people are treated and what, if any, improvements need to be made.

### **How our monitoring will differ from current audits and reviews**

The Chief Ombudsman is an Officer of Parliament, not part of government. His OPCAT monitoring and inspections programme is fully independent of government, the health and disability sector, and private interests.

The focus is on inspecting, monitoring and reporting to Parliament to prevent possible mistreatment of detainees. This includes examining the 'lived experience' of these particular residents; looking at how systems and policies affect them in their daily lives.

Current audits and reviews of the health sector ensure that **systems and standards** meet the requirements set by New Zealand. The OPCAT inspections and monitoring programme will

assess the **conditions and treatment** in places of detention to ensure we meet international human rights obligations.

### **When will we start inspections**

Not for at least 12 months. We'll be working on understanding the scope of our role over the next 12 months. Our planning will include engaging widely across the sector and industry bodies, visiting facilities, as well as talking to Parliament about the resources we will need to carry out our role effectively.

### **What will be involved**

We expect that the new monitoring programme will be along similar lines to how we currently monitor other places of detention. That is:

- Conduct physical inspections of the facilities; a proportion of these will be unannounced
- A review of paperwork, policies and procedures, and complaint records
- Interviews with staff, residents (where feasible) and their families and representatives.

These will be done by our experienced OPCAT team that assists the Chief Ombudsman by inspecting the relevant places of detention. The team includes inspectors with various expertise and backgrounds in mental health and disability, social work, and prison operation and management.

A report is prepared following the inspections. The Chief Ombudsman's reports highlight good practice, identify areas for improvement, and make recommendations where necessary. These are shared with those in charge of the facility, and are often tabled in Parliament and published on our website.

In some cases, our OPCAT team may do a follow up visit to the facility to find out how the Chief Ombudsman's recommendations are being addressed.

We will let you know what exactly is involved once we have completed our planning.

### **Who will pay**

The current facilities inspected under OPCAT (prisons and health and disability residences) are not required to cover the cost of inspections, as these are funded by Parliament. As a result, we will not be charging dementia facilities as part of the Chief Ombudsman's OPCAT inspection and monitoring regime.

### **More information**

- Find out more on our website:  
<http://www.ombudsman.parliament.nz/what-we-do/protecting-your-rights/monitoring-places-of-detention>
- For the latest news and updates, follow us on Facebook:  
<https://www.facebook.com/Ombudsman-NZ>