



## Upcoming OPCAT inspection by Chief Ombudsman's team

**April 2020**

### Introduction

The Chief Ombudsman's staff will be inspecting several aged care facilities in different regions of New Zealand. The facility where you live (or where your loved one/family member/whānau member lives) has been chosen as one of the places we will inspect.

### Purpose of inspections

The reason we are inspecting is because the Chief Ombudsman has been designated by the Minister of Justice to carry out inspections of aged care facilities. The purpose of these inspections is to provide independent assurance that the treatment and facilities of people who may be detained there are appropriate. New Zealand has international human rights obligations to have an independent inspection programme.

To date we have been conducting orientation visits to privately-run aged care facilities where people are detained (not free to leave at will). These visits have enabled the Chief Ombudsman to gain useful information about how the sector operates and for our staff to introduce ourselves to the sector.<sup>1</sup>

In light of the COVID-19 pandemic, the Chief Ombudsman has been confirmed as an essential service to undertake OPCAT<sup>2</sup> inspections. These inspections will focus on key issues concerning the care of people detained in places of detention during this pandemic. More information about these inspections and what the Chief Ombudsman's staff will be looking at (our 'criteria') is located at: [www.ombudsman.parliament.nz/resources/criteria-opcat-covid-19-inspections](http://www.ombudsman.parliament.nz/resources/criteria-opcat-covid-19-inspections).

### Health and safety

The Chief Ombudsman acknowledges the need for firm action to combat COVID-19 and to keep people in aged care facilities safe from the virus.

We want to assure you that the Chief Ombudsman is very mindful of the 'do no harm' principle when exercising his OPCAT role. He wants to operate in a manner that is safe and effective for

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<sup>1</sup> Further information about my orientation visits can be found at: [www.ombudsman.parliament.nz/what-we-can-help/aged-care-monitoring](http://www.ombudsman.parliament.nz/what-we-can-help/aged-care-monitoring)

<sup>2</sup> United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

everyone. Our staff will be taking appropriate precautions and using protective equipment when inspecting facilities.

The Chief Ombudsman must also make sure that the use of extraordinary measures do not have an unnecessary or disproportionate impact on the rights of people in detention. Our most vulnerable people must be treated fairly during these times. His principles on the care and treatment of people in places of detention during the COVID-19 pandemic are on his website: [www.ombudsman.parliament.nz/news/chief-ombudsman-sets-out-principles-treatment-detainees-during-covid-19](http://www.ombudsman.parliament.nz/news/chief-ombudsman-sets-out-principles-treatment-detainees-during-covid-19).

### **What will happen during an inspection**

Two to three members of our staff will come to the facility and speak with the person in charge. They will then walk through and observe how the facility operates. We think the inspection will take about two hours, and we will aim to minimise disruption for residents and staff.

We will be speaking with residents and/or their family and whānau, as this will be an important part of what we need do. We may therefore be in contact with you by phone or email after the inspection to seek your views.

### **What happens to the information we gather**

We will raise any initial issues immediately with the person in charge of the facility. The Chief Ombudsman will also publish a report on our COVID-19 inspections. Individual residents and staff will not be identified in this report.

### **More information**

More information about our inspections programmes is available on our website (<http://www.ombudsman.parliament.nz/what-we-do/protecting-your-rights/monitoring-places-of-detention>), including information about the legal basis for this work.

If you have any questions or wish to speak to one of our inspectors, please email us ([info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)). Let us know if you want us to contact you with any updates or you can follow us on Facebook (@ombudsmannz).

For any concerns or complaints about the provision of aged care services, check out the Ministry of Health's website ([www.health.govt.nz](http://www.health.govt.nz)) – search for 'residential care complaint'.