

# Policy: Authorised Visitors

## Purpose

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The aim of this policy is to outline the circumstances under which NSW Trustee & Guardian should appoint an Authorised Visitor.

The appointment of an Authorised Visitor will provide NSW Trustee & Guardian with an independent professional opinion of the client's circumstances, needs and wishes. This will aid NSW Trustee & Guardian in determining how a client's finances can be used for their benefit and wellbeing. It will also allow NSW Trustee & Guardian to identify its responsibilities to a client in relation to the use of their funds/assets where there is concern they are at risk of harm and enable a response that contributes to reducing the risk of ongoing neglect, abuse or exploitation.

NSW Trustee & Guardian recognises the significant role of Authorised Visitors in contributing to the organisation's ability to make informed decisions on behalf of a client in accordance with their lifestyle and needs.

The primary role of the Authorised Visitor is to provide an independent professional report relating to the client's circumstances and assisting in the identification of any unmet needs or risks. This report will provide recommendations to allow NSW Trustee & Guardian staff to make decisions regarding a client or their estate to improve their quality of life. These reports are provided on a fee for service basis and are governed by legislation.

When there are multiple clients residing at a facility which NSW Trustee & Guardian has reason to believe is not providing appropriate care, an Authorised Visitor may be appointed to provide a report relating to all impacted clients. This will be required where an Aged Care Facility or Assisted Boarding House has been the subject of a sanction or closure.

## Policy statement

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An Authorised Visitor is an independent professional who is appointed by NSW Trustee & Guardian to provide a client specific report to assist in the organisation's decision making and ensure we are meeting their needs through our delivery of services. Authorised Visitors must hold a qualification in a relevant area including but not limited to social work, psychology, nursing or occupational therapy. Authorised Visitors are appointed to a panel which is maintained by the Disability Advocacy Unit which has responsibility of appointing Authorised Visitors, obtaining any reports and for all communication with Authorised Visitors.

The purpose of an Authorised Visitor is to:

- Provide an independent report to assist NSW Trustee & Guardian to make informed decisions for a client as their attorney, trustee, financial manager, guardian, or supervisor of a private financial manager.
- Inform substitute and supported decision making so that decisions are consistent with the will and preference of the client, when possible.
- Provide recommendations for the consideration of NSW Trustee & Guardian to improve a client's quality of life and minimise the risk of fraud, exploitation or unsafe circumstances.
- Assist NSW Trustee & Guardian in its role of monitoring the client's circumstances to ensure the effective management of the client's estate, and that their needs in relation to use of their funds, are being met.

An Authorised Visitor does not have the authority to direct a person or organisation to provide a service or support for a client. NSW Trustee & Guardian met and unmet needs should be clearly indicated in the Authorised Visitor reports which NSW Trustee & Guardian will consider.

Where there are multiple clients living at a residential facility and NSW Trustee & Guardian has concerns about the quality of care, an Authorised Visitor may be appointed to provide a report on the welfare on all impacted clients. This includes where NSW Trustee & Guardian has received notification of a sanction or closure of a residential facility such as an Assisted Boarding House, Aged Care Facility or group home. Staff will need to contact the Disability Advocacy Unit to discuss and facilitate the engagement of the Authorised Visitor and subsequent recommendations.

The appointment of an Authorised Visitor occurs when NSW Trustee & Guardian requires independent information to make decisions with or on behalf of a client. This may include reasons such as:

- A lack of information, or adequate current professional reports, on the circumstances or needs of the client.
- The need for independent information where NSW Trustee & Guardian is required to make a significant decision regarding a client or their estate.
- Conflicting advice being received about the person and their needs.
- Significant changes in the person's health, social, legal or financial circumstances (e.g., receipt of compensation payment or an inheritance, a new debt or obligation such as notification of a new dependent, or a change of accommodation, etc.).
- Significant changes in client spending patterns (either increase or decrease in spending), including the reporting of concerns from a family member or other external stakeholder.
- Significant depletion of a client's estate, as defined in NSW Trustee & Guardian's [Depletion of Funds Policy](#).
- The need to obtain the views of the client and important people in the client's life including family, friends or carers.
- The need to verify and report on allegations of abuse, neglect or exploitation.
- Concerns that the client's formal or informal supports are not acting in accordance with their views or in their best interests.
- Notification of a sanction or closure of a service provider or residential facility which impacts one or more clients.
- Media reports relating to a service provider or residential facility where NSW Trustee & Guardian has reason to believe that the client is not receiving the best possible support and care.

The decision to appoint an Authorised Visitor must also include consideration of the client's finances and the affordability of the appointment.

## Scope

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All NSW Trustee & Guardian staff including Trustee Services, Disability Advocacy Unit and Public Guardian.

## Legislative context

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[NSW Trustee and Guardian Act 2009](#)

### Risks/Benefits

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The benefits associated with compliance of this policy include:

- Improved quality of decision making based on a comprehensive, independent assessment of the client's living environment, quality of life, social interactions, relationships, health status and needs. Including where possible an insight into what the client would like or needs.
- Greater confidence and transparency that significant decisions regarding a client or their estate accurately reflect their needs, interests and preferences.
- The ability to make informed decisions by considering the recommendations in the Authorised Visitor's report.
- Increased understanding of the client's unmet needs as well as opportunities to improve their quality of life within available financial resources, and identification of any issues for advocacy.
- Opportunities for clients to express their will and preference regarding the management of their estate, allowing NSW Trustee & Guardian to provide a high-quality service.

The risks associated with non-compliance of this policy include:

- NSW Trustee & Guardian are unaware of significant issues of concern (e.g. abuse, neglect or exploitation) that may relate to the use of their funds and assets, which place the client at risk of harm.
- Decisions are made regarding a client's personal estate which are based on information which may be out of date, inaccurate, not consistent with the client's view or no information is held.
- A lack of understanding of the client's circumstances, quality of life, will and preferences.
- Clients are not provided with adequate opportunities to provide input into the management of their estate, in particular where major decisions are made on their behalf.

## Document information

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<b>Title:</b>	Authorised Visitor Policy
<b>Owner:</b>	Manager Disability Advocacy Unit
<b>Approver:</b>	Director Communications and Engagement
<b>Date of Effect:</b>	17 January 2020