



Director of Forensic Disability POLICY

Title: Visitors to the Forensic Disability Service

1. Policy Statement

Contact with family, friends and advocates is important and ensures relationships and connections are maintained during a client's time at the Forensic Disability Service (FDS).

FDS staff members should seek to facilitate client contact with stakeholders through visits to the FDS as well as supporting clients to meet stakeholders in the community.

This Policy outlines the Director of Forensic Disability Policy regarding visitors to clients at the FDS.

2. Purpose

The purpose of this Policy is to outline the relevant provisions of the *Forensic Disability Act 2011* (the Act) in relation to visitors to the FDS.

3. Scope

This Policy applies to the FDS and all FDS staff. The Administrator, Senior Practitioners, Authorised Practitioners and other persons performing a function or exercising a power under the Act must comply with this Policy.

This Policy must be implemented in a way that is consistent with the purpose and principles of the Act.

4. Authorising Legislation

Section 91 of the Act.

5. Policy

The Administrator of the FDS has legislative authorisation under the Act to oversee and manage persons visiting a client at the FDS.

5.1 Rights of persons other than FDS staff to visit client

Professional persons may need to visit, assess and consult about a client's care and support. Section 32 of the Act provides professional persons with a legislative right to visit a client.

In accordance with section 32 of the Act, an external **registered health practitioner, speech pathologist or social worker** engaged in providing services may at any reasonable time of the day or night visit and assess an FDS client detained in the FDS or consult with the Senior Practitioner about the care and support of a client. Similarly, a **legal or other adviser** for a client may visit the client at any reasonable time of the day or night.

However, the registered health practitioner, speech pathologist, social worker or adviser may exercise the right to visit a client:

- a) only if asked by the client or someone else on the client's behalf; **and**
- b) **only under an arrangement made with the Administrator.**

Additionally, under section 124 of the Act, an **authorised officer** may visit the FDS with or without notice between the hours of 8am and 6pm.

5.2 Excluding visitors

The Act gives the Administrator legislative power to refuse to allow a person to visit an FDS client in certain circumstances.

Under section 82 of the Act the Administrator may refuse to allow a person to visit a client detained in the FDS if the Administrator is satisfied the proposed visit will adversely affect the client's care and support.

It is a matter for the Administrator to determine whether a visit from a nominated person may adversely affect the client. The Act provides the following example:

"The Administrator may be satisfied the care and support of the client will be adversely affected if, on the previous visit by a person, the client's behaviour deteriorated."

If the Administrator does decide to exclude a person from visiting a client, the Administrator must give the person written notice of the decision.

The written notice must state the following:

- a) the reasons for the decision;
- b) that the person may appeal to the Mental Health Review Tribunal against the decision within 28 days after the person receives the notice; and
- c) how the appeal is made (refer to sections 83 and 84 of the Act).

5.3 Preparing for visit

Each client detained in the FDS has different care and safety requirements. It is a matter for the Administrator to determine what specific care and safety requirements should be put in place to facilitate a visit with a client. The Administrator may seek input from FDS staff (e.g., Senior Practitioner and/or Principal Clinician) when assessing the care and safety requirements of a client prior to facilitating a visit.



Similarly the Administrator may place safety requirements on the person visiting and/or place limitations on the personal belongings that may be taken into the visit.

If FDS staff are unsure of any aspect regarding the preparations, care or safety requirements needed to facilitate a visit with a client, FDS staff should consult with either their immediate manager, the Senior Practitioner or the Administrator.

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