



GOVERNMENT OF BERMUDA
Ministry Of Health

**Information Statement
for Ageing and Disability Services
(of the Ministry Headquarters Authority)**

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Introduction to Your Rights under Public Access to Information

This document is the Information statement for the Ageing and Disability Services (ADS) Section of the Ministry Headquarters Authority. In accordance with the Public Access To Information (PATI) Act 2010, every public authority has a legal duty to maintain an Information Statement.

The purpose of the PATI Act and this document is to make information readily available to the public without the need for specific written requests, to encourage authorities to proactively publish information and to develop a culture of openness. Every person who is a Bermudian, or resident of Bermuda, has a right to access any record held by a public authority, and a right to amend their personal information held by a public authority if it is incorrect or misleading. However, several classes of information are exempt, including: Personal information (unless it relates to the requestor); Sensitive commercial, information received in confidence; Operations and deliberations of Public Authorities; Cabinet, Ministerial and Governors documents; and Legal documents. All exemptions are subject to the public interest test, except those that would be in contempt of Court, infringe Parliamentary privilege or are prohibited by other legislation [for more information see sections 21 to 40, PATI Act].

How to make a request

Requests for information, or to amend your personal information, must be made using the application form, and submitted in person to the Ministry Information Officer. See Section G for how to make a request including the documents needed, record specificity, contact information and process timelines.

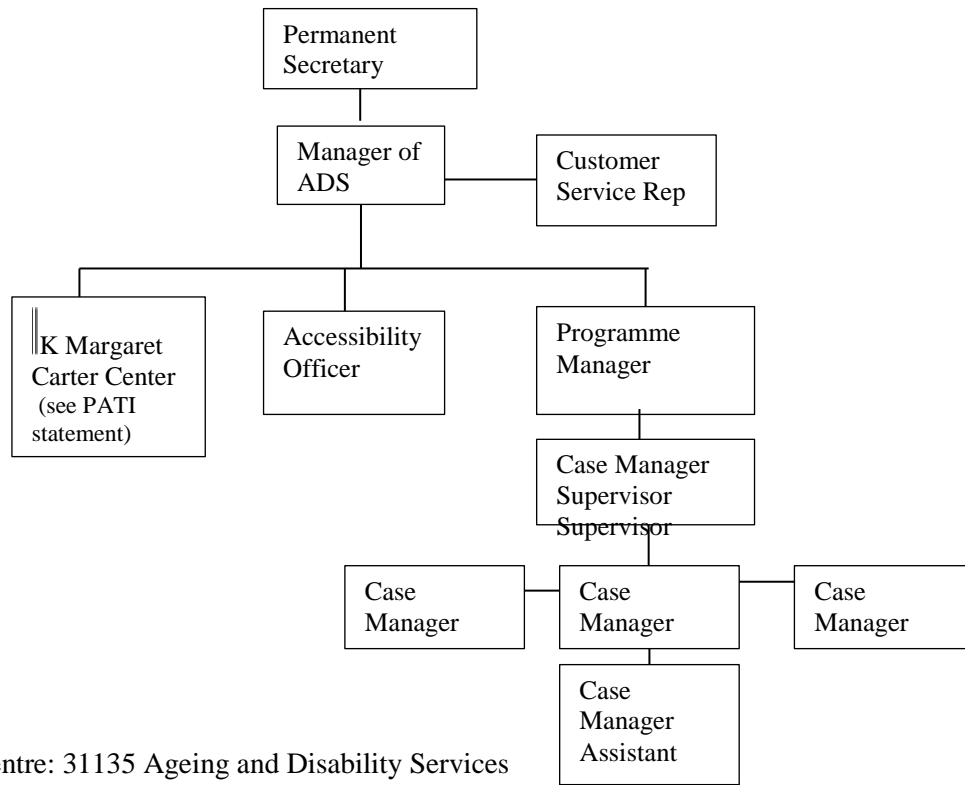
Key, including definitions

- ADS means Ageing and Disability Services (formerly National Office for Seniors and the Physically Challenged (NOSPC))
- Authority means the Ministry Headquarters

- Ministry means the Ministry of Health
- PATI means Public Access To Information
- [] Square brackets, refer to sections of the PATI Act, unless another Act is indicated

Section A: Structure, Organization and Governing Legislation [s5(1)a]

Insert structure of Authority (a chart – if helpful, and some explanatory text):



Senior Abuse Register Act 2008

Section B1: Legislated Functions, Powers and Duties of the Authority [s5(1)b]

- General functions of the Minister** under the Senior Abuse Register Act 2008
 - The Minister appoints a public officer to be the Registrar of Senior Abuse.
 - The Minister may make regulations for carrying out of the purposes of this Act, including—
 - prescribing the form of any application or appeal under this Act; and
 - prescribing anything which is to be prescribed under this Act.
- Functions of Ageing and Disabilities Services (ADS)**
 - Under the Senior Abuse Register Act 2008 the Manager of ADS is the appointed Senior Abuse Registrar. Responsibilities include:
 - To cause investigation into allegations of senior abuse.

- ii. Investigate and ensure interventions that protect the safety and well-being of seniors who are suspected of being victims of senior abuse.
 - iii. Maintain the Register of persons convicted of senior abuse.
- b. Under the Residential Care Home and Nursing Home Act and Regulations the Minister and Chief Medical Officer delegated responsibility to ADS to perform the administrative functions of care home registration, maintenance of the care home register and the coordination of inspections and complaint investigations regarding regulatory non-compliance.

Section B2: Obligations under PATI Act [s5(1)b]

Obligations of the Authority under the PATI Act

1. To provide an **information statement** for the public and promulgate it [s5],
2. To provide **other information** to the public so that the public needs only to have minimum resort to the use of the Act to obtain information [s6]. This includes:
 - a. General information, e.g. activities of the Authority
 - b. Log of all information requests and their outcome
 - c. Quarterly expenditure (upon request) [s6(5)]
 - d. Contracts valued at \$50,000 or more.
3. To **respond to information requests** in a timely manner [s12-16]
4. To **track information requests**, and provide this data to the Info Commissioner [s5(8)3]
5. To respond to requests from the Information Commissioner [s9]
6. To **amend personal information** held by the Authority that it is wrong or misleading following a written request by the person to whom the information relates [s19]
7. To conduct an **internal review** if formally requested [part 5]
8. To give evidence for **review by the Information Commissioner** [part 6, 47(4)], or for **judicial review** [s49], if required
9. To provide an **annual written report** to the Information Commissioner of the status of information requests [s58(3)].
10. **To do anything else as prescribed** under the PATI Act and Regulations [s59, 60], including:
 - a. **Managing Fees** for Requests for information
 - b. Management and maintenance of **records**
 - c. **Following procedures** for administering the Act
11. To **train staff and make arrangements** so as to facilitate compliance with the Act [s61]
12. To **designate an officer** to be the person to whom requests are directed [s62]

Section C: Services and Programmes provided [s5(1)c]

In September 2015, the National Office for Seniors and the Physically Challenged (NOSPC) was renamed Ageing and Disability Services (ADS) to better reflect their mandate of providing services to persons with cognitive, developmental and physical disabilities and the broader concept of ageing-related needs within our community and care systems.

The mission of ADS is to facilitate improved quality of life for seniors and persons with physical and intellectual disabilities through assurance, coordination and delivery of programs in collaboration with a public-private network of stakeholders:

Services

- a. General information services. Provides general information to seniors and persons with disabilities regarding existing community or government resources.
- b. Policy and program development. ADS facilitates the planning, development and coordination of policies and programs for seniors and persons with physical and intellectual disabilities. Policy development and implementation is done in collaboration with public and private stakeholders.
- c. Accessibility consultation. The Accessibility Officer provides advice, regarding accessibility requirements and best practices to government and private entities, primarily in the area of the Bermuda Building Codes.
- d. Public Education and Awareness. ADS develops and implements public education and awareness events to enhance the community's understanding of services, actions and issues pertaining to persons with disabilities and ageing.
- e. Case management services. Case management primarily targets frail, older or disabled persons who are functionally impaired and require assistance in their daily lives. Family caregivers of such clients are also eligible for case management services. Case Management services include:
 - i. needs assessment;
 - ii. facilitation of care coordination with existing services;
 - iii. assistance in identifying and accessing required services to ensure the health and wellbeing of the individual and/or their family caregiver.
- f. Operationalization of the Senior Abuse Act. The Manager of Ageing and Disability Services is the Senior Abuse Registrar which results in the following activities:
 - i. Receives senior abuse referrals.
 - ii. Investigates or ensures investigation into any senior abuse referral received.
 - iii. Case management to identify and facilitate interventions that protect the safety and wellbeing of persons referred under the senior abuse process.
 - iv. Maintenance of the Register of persons convicted of senior abuse and allows access to persons authorized for such.
- g. Ensures Compliance with Residential Care Homes and Nursing Homes Act and Regulations. ADS is responsible for the administration, coordination of the registration and oversight of care homes. This includes:
 - i. Receives and reviews initial applications for care home registration and coordinates the registration process across multiple government departments.
 - ii. Coordinates the Elder Care Team to conduct annual inspections of the homes to determine compliance with legislative requirements on an on-going basis and as part of the re-registration process.
 - iii. ADS receives complaints regarding non-compliance and concerns regarding quality of care within care homes and investigates, or causes an investigation by the appropriate Elder Care Team member, to ensure resident safety and wellbeing.
 - iv. ADS works with care home administrators to increase capacity to improve standards of care within the homes.

- h. Home care provider registration- Home care providers, who are to paid through a government funded home care benefit are required to register with ADS to receive a basic security vetting and verification of training and/or professional qualifications.

Programmes

The K Margaret Carter Center, formerly known as Opportunity Workshop and Orange Valley, provides a range of programs for persons with disabilities. Please see KMCC's individual PATI statement for more details.

Section D: Records held [s5(1)d]

1. *Register of residential care homes and nursing homes.* (since 2015). Government of Bermuda. (Public Access). A list of the care homes that are registered have been approved to operate in accordance with the legislation.
2. *Residential Care Home and Nursing Home files.* (since 2010). Public Access. Care home files include all necessary documentation required for initial registration and annual re-registration; and documentation pertaining to complaints, investigations and required follow up actions for each home.
3. *Senior Abuse Register* and case files (since 2009). Government of Bermuda. (exemption s23-personal information). This is a register of persons who have been convicted of Senior Abuse. The Register is confidential with the exception of a person who employs, or intends to employ, a person as a care worker. Such an employer may submit a written request to the Registrar, to determine whether a person is on the Register. The employer who receives the information must treat the information as confidential. Case files include detailed information pertaining to the senior abuse risk referral, investigation and interventions.
4. *Case Management files.* (since 2008). (Exemption section 23 – personal information). Clients' records developed during the case management process including: assessments, ongoing case notes, care coordination communication and referrals.
5. *Educational and information pamphlets.* These pertain to key areas targeting ADS' clients including information regarding: accessibility, enduring powers of attorney, personal caregivers, and selecting residential care homes.

Section E: Administration manuals [s5(1)e]

1. *Code of Practice for Care Homes v.1.1 2018* (public access) Includes all standards, criteria and guidance for care homes to comply with for licensing.
2. *Residential Care Home and Nursing Home Report Card*. Tool provided to homes to outline compliance (under revision) (since 2015). ADS, Government of Bermuda. (Public Access)
3. *Registration Process and Checklist for Residential Care Homes and Nursing Homes* (2012, under revision) ADS. Government of Bermuda. Outlines the process and requirements for initial registration of a care home.
4. *National Association of Social Workers: Social Work Case Management Standards of Practice (2013)*. National Association of Social Workers. USA. (Public Access). The Case Management Standards outline the values, knowledge, methods, and skills needed to practice case management competently.
5. *National Association of Social Workers: Code of Ethics (2008)*. National Association of Social Workers. USA. (Public Access). The Code of Ethics is a guide used by case management for professional conduct in their service delivery.

Section F: Decision-making documents [s5(1)f]

1. *Residential Care Homes and Nursing Homes Act (RCHNH Act)*. (1999). Government of Bermuda. (Public Access). This Act requires the registration of residential care homes and nursing homes. Such facilities are described as any establishment where board and personal care are provided for two or more persons who are: a) 65 years of age or older, b) disabled, or c) 65 years of age or older and disabled.
2. *Residential Care Homes and Nursing Homes Regulations*. (July 2001). Government of Bermuda. (Public Access). The Regulations set the standards to be met to register and maintain registration as a residential care home or nursing home. The standards are designed to protect the safety and well-being of the residents.
3. *Code of Practice for Care Homes 2018* (Public Access). Standards, Criteria and guidelines for the operation of licensed care homes.
4. *Bermuda Building Code*. (2014). Government of Bermuda. (Public Access). The Code is used in conjunction with the RCHNH Act and Regulations to determine approval for a new care home and any future structural changes to the home. It is also used as the reference tool for accessibility standards for consultation and advice by the Accessibility Officer.
5. *Senior Abuse Register Act*. (2008). Government of Bermuda. (Public Access). The Act sets the decision making framework for investigation and interventions regarding senior abuse by:
 - a. defining and creating an offence of senior abuse;
 - b. authorizing investigations and interventions in cases of suspected abuse,
 - c. requiring the mandatory reporting to the Registrar of abuse, and
 - d. creating a Register of persons convicted of senior abuse and criteria to view information on the register and to be removed from it.
6. *Senior Abuse General Policies and Procedures (2017)*. *Outlines Reporting and Investigation requirements and processes.*
7. *Additional legislation that defines, authorizes and assists decision making in relation to Senior Abuse and interventions possible under case management, includes:*

- a. *Powers of Attorney Act*. (1944, consolidated to 1989). Government of Bermuda. (Public Access). The Act governs the appointment of a legal representative for persons deemed unable to make decisions for themselves.
 - b. *Domestic Violence Protection Order Act 1977*. Government of Bermuda. (Public Access). Establishes the circumstances under which the Senior Abuse Registrar is able to make application for a protection order on behalf of a senior.
 - c. *Mental Health Act 1968 and Rules*. Government of Bermuda. (Public Access). Enables a receiver to be appointed for individuals who have diminished capacity and require a responsible person to make decisions regarding their property and affairs.
- 8. *Home Care Provider Registration Policy (2015)*. Ageing and Disability Services. (Public access). Outlines the policy and procedure for the registration of home care providers.
 - 9. *National Policy on Disabilities (2006)*. NOSPC. (Public access). Government of Bermuda. This policy sets the guiding principles, goals and objectives in the areas of access, education, communication, training, health, housing and transportation.

Section G: How to Contact the Information officer and Make a Request [s5(1)g and (h)]

How to make a request for information, or to amend your personal information

Requests must be made using the application form and submitted in person to the Information Officer. You must also provide Government-issued identification to prove that you are a Bermudian or a resident of Bermuda, such as a passport or Bermuda driver’s license. The process and application form are located at: <https://www.gov.bm/online-services/make-pati-request>

A request must identify the record, the subject and time period. Requests should specify the manner in which access is preferred, for example by inspection or by copy. There is a fee charged for reproducing materials (see list of fees on the PATI website at: <https://www.gov.bm/pati-service-fees>).

Your request will be acknowledged within 5 days. The Public Authority has 6 weeks to make a decision regarding the request. Access to the record may be provided in full, in part or denied. If you are not satisfied with the outcome you may appeal the decision via several mechanisms: an Internal Review by the head of the Authority, an External Review by the Information Commissioner, and a Judicial Review in the Supreme Court. These processes are described on the PATI website (<https://www.gov.bm/public-access-information-pati>).

Contact	PATI Information Officer, Ms Sarah D’Alessio Ministry of Health <i>Re: Ageing and Disability Services</i>
Visit	Continental Building, 25 Church Street, Hamilton
Mail*	P.O. Box HM 380, Hamilton HM BX, Bermuda
Email*	mohpati@gov.bm Add subject line: PATI request re Ageing and Disability Services
Tel	278-4906

* Note requests for information will only be accepted for submissions made in-person so as to verify the requestor’s identity.

Section H: Further Information [s5(1)h]

1. **About us** is available on the government website at: <https://www.gov.bm/ministry/health-and-seniors>.
2. The legislation listed in this document may be found at Bermuda Laws Online www.bermudalaws.bm.
3. **Annual Budget:** For the annual expenditure of the Authority for the past fiscal period (31st Mar to 1st Apr), see the online Budget Book at: (www.gov.bm); then select Ministry of Finance; then select the “Budget Book” icon on the right-hand side; then select: Section B - Current Account Estimates; then select the Ministry).

Section I: Other Information As Prescribed [s5(1)i]

1. **Log of PATI** information access requests: To be provided upon request and with personal identifiers deleted.
2. **Contracts:** Any contracts entered into, with a value greater than or equal to \$50,000 [s6(6)].
3. **Expenditure:** Quarterly expenditure for the Authority will be provided upon request. Note the expenditure for the previous fiscal period is provided on the website (as per Section H)
4. **Salaries:** The Minister responsible for PATI shall publish a list of title and salary range of every post of public officers [s6(6)].

Section J: Information Statement: Copies and Updates [s5(2,3,4,5)]

Locations of Information Statement (*Confirm copies of Information Statement are available at:*)

- Office: Continental Building, 25 Church Street, Hamilton HM 12 Y
- The Bermuda National Library Y
- The Bermuda Archives Y
- Available electronically at:
 - PATI website <https://www.gov.bm/public-access-information-pati> Y
 - Ministry website <https://www.gov.bm/ministry/health> Y
- With the Information Commissioner. Y

Have you published a notice in the Gazette indicating the places where the information statement is available for the public? Y

Date Information Statement was updated:

Date: Jan 7 2019

Sign:



Name:

Keeona Belboda

Post:

Manager, Ageing and Disability Services

Ends