



Surveillance in Home Care AGED CARE POLICY

Policy Version 1.1

Category: Administrative *(Required by Legislation)*

Adopted: December 2024



Surveillance in Home Care Aged Care Policy

Purpose

Winton Shire Council has a culture of inclusion and respect for consumers, supports consumers to exercise choice and independence and respects consumer privacy.

This policy describes Council's position on providing services in a consumer's home when surveillance monitoring devices have been installed at the site. The policy aims to ensure that the organisation meets its duty of care obligations to keep consumers safe from harm under program guidelines and complies with legislation relating to the use of such devices and the protection of privacy.

Surveillance devices covered in this policy include those for listening, optical surveillance and / or tracking.

Scope

This Policy applies to:

- All Community Care Services team members,
- Their volunteers,
- Students on placement,
- Contractors and consultants, whether or not they are employees,
- Any other brokered service providers, and
- Winton Shire Council Councillors.

Definitions

Term	What it means / refers to
Aged Care Quality Standards	According to the Aged Care Quality and Safety Commission: Everyone has the right to be treated with dignity and respect in aged care. The Aged Care Quality Standards define what good care looks like.
Community Care services	A broad term to describe a collection of services and health care that are packaged up to meet the unique needs of each individual in their own home, rather than in a hospital or care home.
Consumer	A person who receives approved services from a service provider.
Listening device	A device that can listen to or record any spoken word. Common examples of a listening device would be the voice record function/app on a mobile phone, Dictaphone or any device that can record audio. A hearing aid used by a person with a hearing impediment is not included.
Optical surveillance device	A device that can visually observe, monitor and/or video record an activity. Common examples are mobile phones, video cameras, home security cameras and a drone.
Surveillance devices	Surveillance devices include technologies or devices that are developed specifically for surveillance purposes and those that are capable of being used for surveillance. These include listening and



Term	What it means / refers to
	audio, optical or visual, tracking or location, and biometric surveillance.
Tracking device	A device that can find, monitor or record the geographical location of a person, vehicle or thing. Common examples being a GPS tracking device and also includes Bluetooth tracking devices such as an Air Tag or similar.

Policy Statement

Winton Shire Council is committed to meeting its legal and duty of care responsibilities to both consumers and staff when delivering services in a consumer's home where surveillance equipment has been installed.

While acknowledging the right of the consumer to install surveillance equipment it is recognised that this may raise privacy concerns for staff. As a result, Council is to be notified of the use, or intention to use, such equipment at the time of developing the consumer's service agreement or prior to using the equipment if installed after the agreement is in force.

Winton Shire Council will ensure relevant staff are aware of the surveillance equipment and its purpose and gain their written consent to being recorded.

Winton Shire Council will provide services in the presence of surveillance devices under the conditions that:

- no surveillance will be undertaken of any intimate personal care that may invade the privacy of the consumer or staff member and / or offend the consumer's dignity
- Winton Shire Council are advised of any change to the location or use of the recordings including their release to any parties in addition to those previously nominated, and
- Winton Shire Council reserves the right to refuse to accept a consumer into Council's care where surveillance is being used and / or the above conditions are not agreed to and respect the rights of workers to refuse to work in such environments.

Winton Shire Council will not install surveillance equipment on behalf of consumers.

Winton Shire Council will not request a consumer's equipment be used for monitoring staff.

It is noted that should a complaint be made, or an incident or other serious event occur; access to the recordings may be requested by relevant authorities for investigative purposes.

Process

Following the process below, we demonstrate each consumer is treated with dignity and respect and consumer and staff privacy is respected:

At service commencement

- The use of or intention to install surveillance equipment is discussed with the consumer.
- The purpose for the surveillance equipment, where it will be located in the home, who will have access to recordings and how the information will be disposed of is determined.
- Conditions of service provision when surveillance equipment is installed are understood and agreed to.



- The consumers Home and Environment Risk Management Plan contains the purpose, location and access to the equipment, information disposal processes and conditions of service relating to the equipment.
- Inform and educate staff.
- Staff are educated on respecting consumer privacy and their right to have their privacy protected.
- Staff are informed when surveillance equipment is used, and their written consent obtained to be recorded while delivering services.

Operational Need

To ensure Winton Shire Council has a culture of inclusion and respect for consumers, supports consumers to exercise choice and independence and respects consumer privacy.

To deliver on the consumer outcome of:

"I am treated with dignity and respect, and can maintain my identity. I can make informed choices about my care and services, and live the life I choose"

in accordance with the Aged Care Quality Standards.

Roles and Responsibilities

Winton Shire Council

Winton Shire Council is responsible for providing leadership and fostering a culture that treats all individuals with dignity and respect. Council will identify appropriate systems and processes to monitor, review and continuously improve this policy.

Management

Management is responsible for ensuring the workforce (whether employed or contracted) follow this policy and take all appropriate action to prevent and respond to abuse.

Management is also responsible for monitoring, implementation and compliance with this policy including ensuring completion of education and training, providing feedback and performance review where required.

All staff including volunteers and contractors

All staff, contractors, students, and volunteers are responsible for understanding and following this policy and completing education and training as directed.

Communication

This document will be published on the Winton Shire Council website and will be made available to all employees involved in the delivery of Community Care services provided by Winton Shire Council.

Related Council Documentation

Aged care records including:

- Consumer files,
- Incident reports,
- Incident register,
- Consumer feedback,



- Worker training records and
- Home and Environment Risk Assessment
- Assessment and Reassessment Tool

Legislation, Recognised Authorities, and Other Sources

- *Privacy Act 1988* (Cth)
- Aged Care Quality Standards
 - Standard 1 (3)(f) Privacy is respected
- *Surveillance Devices Act 2004* (Cth)
- Camera Surveillance and Privacy – Office of the Information Commissioner [Link](#)

Review of Policy

This policy will be reviewed every two years or when legislation or standards change and remains in force until amended or repealed by resolution of Council.

Record of Amendments and Adoptions

Date	Version	Reason for amendment	Date adopted by Council
December 2024	1.0	Initial policy	19 December 2024
February 2025	1.1	Update to Operational need	19 December 2024

