Amendments to restrictive practices in Queensland

In March 2014 the Queensland Parliament passed a Bill to amend the Disability Services Act 2006 (Qld) and the Guardianship and Administration Act 2000 (Qld).

The amendments follow a review of the restrictive practices framework used by disability services providers who support adults with intellectual and cognitive disability.

A number of legislation, policy and practice changes are being implemented. These changes focus on making sure Queensland has a strong system of effective safeguards for adults subject to restrictive practices and reducing red tape for disability service providers so they can focus on supporting clients.

The Queensland Government has worked closely with disability sector representatives to ensure the changes are necessary, appropriate and workable.

The amendments are expected to begin in mid-2014. The timing will ensure the necessary policy and practice changes are put in place. The department will continue to work with the disability sector as the legislation and other changes begin, and will seek advice from the sector about how best to communicate the changes.

About restrictive practices

Some people with an intellectual or cognitive disability, such as an acquired brain injury, have behaviours that can cause serious harm to themselves or others. These are sometimes called challenging behaviours.

Restrictive practices may be used by disability service providers to prevent people using challenging behaviours.

Service providers may use restrictive practices to protect the safety of their clients or other people, including carers, support workers or members of the community. Examples of restrictive practices include seclusion and using restraints to control the movement of a person.

Importantly, Queensland’s restrictive practices framework protects people with challenging behaviour by ensuring restrictive practices are only used if necessary and where they are the least restrictive way to keep the person or other people safe.

Central to the framework is a positive behaviour support plan, which outlines strategies that respond to the person’s needs and the causes of the challenging behaviour.

The aim of the plan is to reduce or eliminate the use of restrictive practices and to improve the person’s quality of life.

About the changes

The changes are in two key areas:

1. enhanced safeguards for clients subject to the restrictive practices framework
   - emphasising the need for a positive behaviour support approach, not just where restrictive practices are required
   - introducing a principle that restrictive practices should not be used as a form of punishment and a requirement for service providers to provide a statement to adults, their families and carers about the use of restrictive practices
   - requiring disability service providers to report to the department on the use of restrictive practices

2. greater focus on client service delivery by simplifying and improving the framework:
   - amending the key definitions in the framework to clarify the purpose of restrictive practices
   - reducing the prescriptive requirements in a positive behaviour support plan
   - providing flexibility for the Queensland Civil and Administrative Tribunal to approve the appointment of a restrictive practice guardian for up to two years (from one year)
   - removing the requirement for a short-term plan for a short-term approval
   - making it easier for a restrictive practice client to move to a new service provider
- providing time-limited immunity from civil and criminal liability in limited circumstances where there are delays in deciding an approval or consent
- clarifying that using medication, such as a sedative, to enable a single instance of health care is not a chemical restraint, for example dental treatment
- continuing to require service providers to have restrictive practices policies in place and monitoring this through the Human Service Quality Framework
- simplifying by removing the requirement for policies from legislation.

**Training and practice improvement**
To complement the changes to the Act, the department will deliver a range of training and practice improvements for service providers and families. These will help them to understand how the restrictive practices framework works and to build capacity in the disability sector.

The Centre of Excellence for Clinical Innovation and Behaviour Support will undertake work including:
- developing guidelines and a model positive behaviour support plan and clarifying what types of actions require approval
- preparing a template for the statement about restrictive practices (requirement in the Bill) to be provided by service providers to people subject to restrictive practices and their support network, along with information about restrictive practices
- expanding training availability to disability service providers, professionals undertaking assessments, and families and carers
- being a central point of contact for disability service providers, families and carers
- providing useful, practical and timely advice as issues or uncertainties arise
- monitoring the use of restrictive practices.

**Aligning the changes with the NDIS**
A national framework for reducing the use of restrictive practices is being developed.

This will form part of the work towards implementing the National Disability Insurance Scheme (NDIS).

Other parts of the Disability Services Act will be examined and changed as needed to ensure Queensland is ready for the NDIS.

**Further information**
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