

Disability Services

POLICY

Title: Restrictive Practices Framework – Consultation and engagement with clients, their support network and others

Policy Statement:

The Department of Communities, Child Safety and Disability Services is committed to ensuring adults with an intellectual or cognitive disability who exhibit behaviour that causes harm and are receiving disability services from a relevant service provider, are supported in appropriate ways in a safe environment that recognises the adult's rights and needs.

This policy sets out the consultation and engagement to occur with the adult and members of their support network in relation to the use of restrictive practices.

Principles:

- An adult should be consulted about their behaviour, the supports to address their behaviour and the use of restrictive practices, and have these views considered by the relevant service provider and decision maker.
- An adult should be aware of why the use of restrictive practices is being considered, and how they can make their views known and exercise their rights.
- An adult's family and support network should have the opportunity to express their views about an adult's behaviour, the supports to address the adult's behaviour and the use of restrictive practices, and have these views considered by the relevant service provider and decision maker.
- During conversation and engagement, particular consideration should be given to the needs of people from Aboriginal, Torres Strait Islander or other cultural or linguistic backgrounds in this consultation process. This may take the form of having appropriate regard for Aboriginal tradition, Island custom or other cultural beliefs, and supporting people to participate in the process.

Objectives:

The objective of the policy is to ensure that relevant service providers under the restrictive practices framework consult with the adult and others according to the requirements in the *Disability Services Act 2006* and in a way that allows the adult and other people with an on-going role in the adult's life to express their views in

relation to the adult's behaviour, the supports to address the adult's behaviour and the use of restrictive practices. This ensures that relevant service providers and decision makers have up to date and relevant information about an adult, and that the most appropriate strategies are put in place to address the adult's behaviour, reduce challenging behaviour and improve the adult's quality of life.

Scope:

The policy applies to relevant service providers and the Chief Executive (or the Director Clinical Practice or other senior clinicians as delegates of the Chief Executive) under the restrictive practices framework under the *Disability Services Act 2006*.

Statement about use of restrictive practices

The *Disability Services Act 2006* (the Act) has a requirement which provides that if a relevant service provider is considering using restrictive practices in relation to an adult with an intellectual or cognitive disability, then the relevant service provider must give a statement in the approved form to the following persons about the use of restrictive practices generally:

- the adult
- a person with sufficient and continuing interest in the adult (an interested person).

The statement must state:

- why the relevant service provider is considering using restrictive practices in relation to the adult
- how the adult and the interested person can be involved and express their views in relation to the use of restrictive practices
- who decides whether restrictive practices will be used in relation to the adult
- how the adult and the interested person can make a complaint about, or seek review of, the use of restrictive practices.

Also, the relevant service provider must explain the statement to the adult:

- in the language or way the adult is most likely to understand
- in a way that has appropriate regard to the adult's age, culture, disability and communication ability.

The purpose of this provision is to ensure that the adult, family members and others in the adult's support network who have ongoing involvement in the adults life are aware why the relevant service provider is considering that any restrictive practice might be necessary; how they can be involved in planning and decision making and express their views; who will make the decision whether or not to authorise the restrictive practice; and what are the review and redress avenues, should there be a complaint.

A model statement is available on the Department website to be used by service providers to help them to meet this requirement.

Deciding to conduct a multidisciplinary assessment

Before a restrictive practice can be used in relation to an adult with an intellectual or cognitive disability, the adult must be assessed.

If a relevant service provider notifies the Chief Executive that the relevant service provider wishes to contain or seclude the adult, Clinical Services (as delegate for the Chief Executive) must decide whether a multidisciplinary assessment of the adult will be conducted.

In deciding whether a multidisciplinary assessment of the adult will be conducted, Clinical Services must consult and consider the views of a number of people including the adult and others with an on-going involvement in the adult's life (see Procedure – Restrictive practices for general disability services (full legislative scheme)).

Conducting an assessment

In conducting an assessment of the adult: the person undertaking the assessment should, where possible, consult with, and consider the views of a number of people including the adult, and others with an on-going involvement in the adult's life (see Procedure – Restrictive practices for general disability services (full legislative scheme)).

Development of a positive behaviour support plan

For containment or seclusion: Clinical Services, as a Department of Communities, Child Safety and Disability Services delegate, is responsible for developing a positive behaviour support plan for the adult.

For other restrictive practices: the relevant service provider, using an appropriately qualified or experienced person, is responsible for developing a positive behaviour support plan for the adult.

The entity developing the positive behaviour support plan must consult and consider the views of a number of people including the adult and others with an on-going involvement in the adult's life (see Procedure – Restrictive practices for general disability services (full legislative scheme)).

Development of a respite and community access plan

Under the Act, when developing a respite or community access plan, the relevant service provider must consult and consider the views of a number of people including the adult and others with an on-going involvement in the adult's life (see Procedure – Restrictive practices for respite or community access services only (full legislative scheme))

Risk assessment for an adult in respite and community access services

Under the *Disability Services Act 2006*, the relevant service provider must identify and record the risks associated with the provision of respite or community access services to the adult.

In conducting the risk assessment, the **relevant service provider** should consult with, and consider the views of a number of people including the adult and others with an on-going involvement in the adult's life (see Procedure - Restrictive practices for respite or community access services only (full legislative scheme))

Roles and Responsibilities:

Staff of the Department of Communities, Child Safety and Disability Services:

- All staff must comply with the *Disability Services Act 2006* and policies and procedures on the use of restrictive practices.
- Staff employed in Clinical Services have particular responsibilities in relation to intake, assessment and behaviour support planning activities.
- The Chief Executive, Department of Communities, Child Safety and Disability Services, has a responsibility to ensure that appropriate processes are in place for Department staff to comply with the legislation, policies and procedures.

Service providers funded by the Department of Communities, Child Safety and Disability Services:

- Relevant service providers, including individuals acting for the service provider, must comply with the *Disability Services Act 2006*, including keeping and implementing a procedure to ensure an individual acting for the relevant service provider has the skills and knowledge required to use the restrictive practice appropriately.

Relevant Legislation:

Disability Services Act 2006

Guardianship and Administration Act 2000

Delegations:

Under the *Disability Services Act 2006*, the Chief Executive, Department of Communities, Child Safety and Disability Services, must develop a positive behaviour support plan, where **containment** or **seclusion** is proposed (other than when the only disability service the adult is receiving is a respite and/or community access services).

The Chief Executive, Department of Communities, Child Safety and Disability Services, must also make certain administrative decisions under the Act:

- Whether to conduct a multidisciplinary assessment (where containment or seclusion is proposed)
- Whether to develop a positive behaviour support plan (where containment or seclusion is proposed)
- Short-term approvals (where restrictive practices other than containment or seclusion are proposed)
- Whether a positive behaviour support plan should be changed.

These powers are delegated to the Director Clinical Practice or other clinicians.

Note: If there is any inconsistency between this policy (and related procedures) and the Disability Services Act 2006 or Guardianship and Administration Act 2000, the provision in the Disability Services Act 2006 or Guardianship and Administration Act 2000 applies to the extent of the inconsistency.

Records File No.:

Date of approval: 30 June 2014

Date of operation: 1 July 2014

Date to be reviewed: 1 July 2017

Office: Disability Strategic Policy, Disability Services

Help Contact: Disability Strategic Policy, Disability Services

Links:

- Operational procedure - Restrictive practices for general disability services (full legislative scheme)
- Operational procedure - Restrictive practices for respite and/or community access services only (full legislative scheme)

Michael Hogan

Director-General