

Dear Senator Siewert,

Thank you for your letter of 21st October regarding restrictive practices in which you have sought information relating to restrictive practices in South Australia. I have responded to each of the questions you have raised and have also added some points on Australian best practice.

1) Progress of the South Australian Government in implementing the 2014 National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Sector.

- The key initiative of the South Australian Government in respect to restrictive practices occurred with the implementation of the Guardianship and Administration Act 1993, which recognised restrictive practices as breaches of liberty and provided a legal framework within which restrictive practices could be used when they were deemed necessary. The Guardianship Board, now the South Australian Civil and Administrative Tribunal (SACAT), has always insisted that the least restrictive method be used and will not make orders for the use of restrictive practices unless there is evidence of the investigation of less restrictive alternatives and a behaviour support plan.
- The South Australian Government has adopted the National Framework and ensured that its policy on restrictive practices is consistent with the Framework.
- The Department of Communities and Social Inclusion (DCSI) created an Office of the Senior Practitioner to promote strategies for reducing the use of restrictive practices in Disability services.
- The Department of Communities and Social Inclusion is working with the Commonwealth Department of Social Services and other jurisdictions to develop mechanisms for the control and reduction of restrictive practices in the NDIS environment.

2) The role of the Office of the Senior Practitioner (OSP) in providing guidance for and regulation of behaviour support and intervention services within relevant South Australian Departments.

- The OSP has no role in regulating the use of restrictive practices; in South Australia, this is undertaken by SACAT. Any use of restrictive practices without appropriate authorisation of SACAT is illegal and may leave an organisation open to civil and/or criminal proceedings
- The work of the OSP is currently restricted to DCSI and organisations that it funds.
- The OSP has been involved in the development of the Framework and the NDIS Quality and Safeguarding Framework.
- The OSP has been involved in the development of the DCSI *Safeguarding People with Disabilities Restrictive Practices* policy.
- The OSP has established a Restrictive Practices Governing Committee, with membership from the Government and non-government sectors to promote the reduction of restrictive practices.

- The OSP has provided a range of professional development sessions to enhance the skill of organisations to reduce the use of restrictive practices.
- The OSP has developed a protocol with the Principal Community Visitor whereby community visitors will monitor the use of restrictive practices within service sites by observing practice and ensuring that any restrictive practices used have been authorised and documented.
- The OSP is developing a guideline for recording and reporting restrictive practices. This will ensure that all organisations using restrictive practices keep a register of such practices and record each episode of use of restrictive practices. They will also record each emergency use of restrictive practices.
- The OSP staff have visited a wide range of organisations to inform them of current practices, training requirements, emerging issues and examples of good practice. Visits have demonstrated a high level of support from the sector for reducing the use of restrictive practices. The OSP has also run specific training for a range of organisations.
- The OSP has consulted widely re policies and practices in developing the policy and reporting systems. It has also worked closely with the Office of the Public Advocate, the Health and Community Services Complaints Commission and National Disability Services.
- The OSP has consulted with SA TAFE to ensure that the Certificate III/IV programmes have contemporary material on restrictive practices

3) The development of behaviour support and intervention services within relevant South Australian Departments.

- In partnership with the governing committee, the OSP is reviewing the current Positive Behaviour Support Framework, which will provide greater clarity across SA disability service providers.
- SACAT requires that, before an authorisation is given to use restrictive practices, there has been the development of a behaviour support plan.
- The capacity of organisations to develop such plans varies greatly. Some organisations are well resourced to do this; others use consultant specialists.
- Of greater concern is the fact that many behaviour support plans, having been developed to support a request to use restrictive practices, do not influence day to day interactions with the individual. This led to the development of one of the OSP's development sessions *"Taking Positive Behaviour Support Plans out of the filing cabinet and into the frontline of service delivery."*
- In South Australia there is no overarching paradigm to ensure that positive behaviour plans are consistent, provided by people with appropriate qualifications and experience, are evidence based, implemented by qualified frontline staff and are actually influencing the service provision to the individual.

4) The extent of interaction between the OSP and the South Australian Department of Education

- The OSP has no jurisdiction within the South Australian Department of Education and Child Development (DECD), its schools or the schools of other education providers.
- The OSP recognises that many restrictive practices occur in schools and the family home.
- The OSP recently met with the Ministerial Advisory Committee: **Students** with Disabilities to outline its work in South Australia and to explore further collaboration.
- Subsequently the OSP has met with DECD officer charged with developing better practice in DECD schools. This DECD Officer will be invited to participate in the Restrictive Practices Governing Committee.

5) The need to include schools and other similar institutions in the National Framework

There are strong arguments to include the work of other agencies within a National Framework.

- Without the approval of guardians (usually parents), the use of restrictive practices such as time out may be illegal.
- It would be useful to have consistent practices in the various settings experienced by the child including school, social activities, disability services and the family home. This would be enhanced by a consistent approach and the development of a single positive support plan.

6) Other Observations

- Many restrictive practices start in the family home. This is not a criticism; in the absence of support from the service system, many families have developed their own suite of practices to deal with stress, support siblings and often to preserve the family. In South Australia, the OSP has started to explore this with families. In Western Australia, the Disability Services Commission has developed a family training package *"Is there a better way?"* that is presented by a combination of parents and professionals.
- Where there is the need for a positive behaviour support plan for a child there should be one plan that can be used consistently in the school, the family home and disability settings (e.g. respite). There is currently not that general level of collaboration and this should be fostered in the NDIS environment.
- Queensland has, in my view, has the benchmark approach to the provision of positive behaviour support programmes through the Queensland Centre of Excellence for Positive Behaviour Support, a joint initiative of the Queensland Government and the University of Queensland to "promote sector expertise in positive behaviour support and the reduction in the use of restrictive practices." Importantly, it promotes a consistent approach to positive behaviour support, develops a range of excellent resources, provides staff training and development, undertakes research and ensure that positive support programmes are provided by staff with appropriate qualifications and experience.

- In South Australia, we are seeing an unprecedented cohort of young adults with significant behaviours of concern. The NDIS must ensure that early intervention programmes are available for children and adolescents to endeavour to reduce the numbers of such young adults. In South Australia, Dr Mohammed Usman is developing a pilot project to address this issue and it is important that such initiatives can be funded in the NDIS environment.
- Recently Senior Practitioners from around Australia met, with the Department of Social Services, to recommend administrative arrangements whereby the Framework might be translated into the NDIS environment.

Please feel free to contact me if there is any further information I can provide

Yours sincerely

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