



Office of the
Director-General

Department of
**Communities, Child Safety
and Disability Services**



Our reference: COM 08374-2015

Senator Rachel Siewert
Chair
Senate Community Affairs References Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator Siewert

Thank you for your letter concerning to the Senate Community Affairs References Committee's Inquiry into *Violence, abuse and neglect against people with a disability in institutional and residential settings*. I am pleased to be able to provide information about how Queensland regulates and supports staff in relation to the use of restrictive practices.

Queensland has a robust positive behaviour support framework developed in response to the late Honourable William Carter QC's 2006 report, *Challenging Behaviour and Disability: A Targeted Response*. The framework followed this and a series of other reports concerning abuse and neglect of people with disability residing in institutional-type living arrangements and/or receiving inappropriate modes of support.

Through this framework, Queensland has applied evidence-based approaches which aim to safeguard people, respect their human rights, and reduce the use of restrictive practices. In relation to reducing the use of restrictive practices, evidence suggests that apart from implementing positive behaviour supports, the best approaches are those that provide the most robust options in terms of regulating and monitoring their application and use.

I am pleased to be able to confirm that Queensland implemented a restraint reduction approach through the *Disability Services Act 2006* (the Act). The Act states that when restrictive practices are proposed for such adults, they must be used in a way that:

- has regard for the human rights of those adults
- safeguards them and others from harm
- maximises the opportunity for positive outcomes and aims
- reduces or eliminates the need for the use of the restrictive practice
- ensures transparency and accountability in the use of the restrictive practice.

In Queensland, an adult with cognitive or intellectual disability who is subject to restrictive practice and receiving a government-funded disability service must have a positive behaviour support plan in place before consideration will be given to the authorisation and use of a restrictive practice.

13th Floor 111 George Street
Brisbane Queensland 4000
GPO Box 806 Brisbane
Queensland 4001 Australia
General Enquiries
Telephone +61 7 3235 4312
Facsimile +61 7 3235 4327
Email dgoffice@communities.qld.gov.au
Website www.communities.qld.gov.au

The key core strategies outlined in the National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Sector (2014) are reflected in the principles outlined in Part 6 of the Act. The Department of Communities, Child Safety and Disability Services, through the Centre of Excellence for Clinical Innovation and Behaviour Support (the Centre), played a significant role in the development of the National Framework by providing the evidence upon which it is based.

Importantly, all aspects of the six cores strategies (Huckshorn 2005) can be identified in both the legislative, policy and practice frameworks of Queensland. Queensland has drawn upon the international evidence related to reducing and eliminating restrictive practices to inform the delivery of the legislation and practice framework over and above the six core strategies. Prior to 2014, Queensland had advanced in terms of applying the core aspects of the National Framework and can demonstrate that it has applied all the core aspects of the Framework to practice across the state.

Staff employed in the funded disability sector are supported to develop their capability in positive behaviour supports and the reporting and monitoring of the use of restrictive practices through free training provided by the Centre. Since its establishment in 2008, to lead best practice in positive behaviour support, the Centre has provided a range of training and supports to key stakeholders, including families.

In addition, there are resources available on the department's website to inform the application of all aspects of the legislation. Since July 2014, the Centre has been identified as the 'one stop shop' for advice on reducing and eliminating restrictive practices. To complete the framework, from 1 July 2015, the *Disability Services Regulation 2006* requires that all instances of use of restrictive practices must be reported to the department each month.


The Centre is actively engaged with other Queensland Government departments to support and inform approaches to behaviour support and intervention services.

The department is committed to working in partnership with key government departments but is unable to comment on the Department of Education and Training's use of restrictive practice in Queensland schools. You may wish to contact Mr Jim Watterson, Director-General, Department of Education and Training in this regard.

If you require any further information or assistance in relation to this matter, please contact Professor Karen Nankervis, Executive Director, Centre of Excellence for Clinical Innovation and Behaviour Support, Department of Communities, Child Safety and Disability Services

I trust this information is of assistance.

Yours sincerely


Michael Hogan
Director-General
5/11/15