



Department of
Education & Training
Office of the Secretary



2 Treasury Place
East Melbourne Victoria 3002
Telephone: +613 9637 2000
DX210083

COR013200

Senator Rachel Siewert
Chair
Senate Community Affairs Reference Committee
Parliament House
CANBERRA ACT 2600

By email: community.affairs.sen@aph.gov.au

Dear Senator Siewert,

Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability.

Thank you for your letter dated 21 October 2015 to Ms Mandy Donley, Principal Practice Leader (Education) (the **PPL (Education)**) providing the opportunity to offer further information regarding the role of the PPL (Education) working with the Department of Education and Training (**DET**).

1) The current status of behaviour support and intervention services within the Department.

The role of PPL (Education) commenced in September 2015. The PPL (Education) is currently reviewing DET data and practices involving responses to violent and dangerous behaviour, including meeting with the professional practice leaders in DET. As such, the PPL (Education) is not yet able to provide comment on the status of behaviour support and intervention services within DET.

2) The role of the Principal Practice Leader (Education) in providing guidance in the development of behaviour support and intervention services within DET.

As part of the Special Needs Plan for Victorian Schools, the new PPL (Education) role reporting to the Senior Practitioner (Disability) in the Department of Health and Human Services (**DHHS**) has been appointed to work exclusively with DET, with a particular focus on the use of restraint and seclusion in Victorian government schools.

The PPL (Education) will:

- examine and assess existing legislation, policies and guidelines;
- advise DET on how to improve and align policy and processes with best practice;
- assess how DET collects and reports on data;
- advise on the need for professional learning and training;
- identify trends and opportunities to reduce the use of restraint and seclusion, using DET's data;

- provide reports summarising data and advice, including recommendations for how DET and schools could improve approaches to challenging behaviours; and
- work with schools to address behaviours of concern and reduce the use of restraint and seclusion.

The PPL (Education) has commenced a review of all resources provided by DET regarding behaviour support, including the recently released guidance for *'Responding to Violent and Dangerous Student Behaviours of Concern'* (the **Guidance**).

The Guidance is designed to assist schools to prevent the occurrence of violent and dangerous student behaviours of concern and to assist schools to respond effectively should they occur.

An important change in the framework for responding to violent and dangerous student behaviours of concern is the collection and analysis of data about the occurrence and prevalence of the use of restraint and seclusion in schools. This data collection will be used to inform DET's review of the new Guidance within 12 months of implementation and updates may be made to the Guidance where appropriate.

3) The future role of the PPL (Education) in regulating and/or monitoring behaviour support and intervention services within DET.

The future of the PPL (Education) role will be dependent on data collected and observations made regarding restraint and seclusion. This information will be used to shape the role into the future. The PPL (Education) will consider, and if appropriate, lead the establishment of a DET Professional Practice Unit with a DET senior practitioner who will:

- I. Have a range of oversight, professional development, monitoring and reporting responsibilities.
- II. Work closely with the DHHS Senior Practitioner and the DHHS Office of Professional Practice, the proposed DET Schools Commissioner and the Victorian Equal Opportunity and Human Rights Commission to inform future planning and share data on incident reporting to identify trends, emerging issues and opportunities to improve practice.

4) Whether the expected direction for policy development in schools will largely harmonise with the policies and guidance for DHHS. If there are expected differences, what will these differences be, such as will the use of seclusion (as opposed to exclusion) be banned in education facilities for minors, as it is in disability facilities?

The Guidance follows the same principles as DHHS guidance regarding promoting positive behaviour support and least restrictive practice. As with other Victorian government departments, the use of restraint is restricted to prevention of immediate harm to self or others.

Seclusion is clearly defined in the Guidance as 'the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. This includes situations where a door is locked as well as where the door is blocked by other objects or held closed by staff. It does not include time out, which is a behaviour management technique that is part of a Behaviour Support Plan, involves the monitored separation of the student in a non-locked setting, and is implemented for the purposes of calming.'

The Guidance provides that rooms or areas designed specifically for the purposes of seclusion or which are used solely or primarily for the purpose of seclusion are not permitted in Victorian government schools.

As with physical restraint, seclusion should only be used as permitted by Regulation 15 of the *Victorian Education and Training Reform Regulations 2007*, when it is immediately required to protect the safety of the student or any other person.

There are times when a student may need to be secluded to protect the safety of others. For example, a student who has a weapon, is threatening to harm another student with it and who staff believe is going to carry out that threat. Depending on the specific circumstances, the only option to protect other students' safety may be to evacuate all students and staff from the room where the student is and lock the room until police arrive or until it is clear that the student no longer poses a threat. Similarly, where a student is being physically aggressive to a staff member (eg kicking, hitting, biting) and the staff member is unable to safely physically restrain the student, the only option to protect the safety of the staff member may be to evacuate the room leaving the student alone in it until the danger has passed.

Under the *Disability Act 2006* (Vic) (the **Act**) seclusion is defined as;

"seclusion" means the sole confinement of a person with a disability at any hour of the day or night—

- (a) in any room in the premises where disability services are being provided of which the doors and windows cannot be opened by the person from the inside; or
- (b) in any room in the premises where disability services are being provided of which the doors and windows are locked from the outside; or
- (c) to a part of any premises in which disability services are being provided.

There are no age restrictions regarding the use of seclusion as provided within the Act.

A key focus of DET, which will be assisted by the work of the PPL (Education), is to build the capacity of teachers to identify, address and de-escalate violent and dangerous behaviours of concern early on, so as to prevent the need for restraint and seclusion. Training on functional behavior assessments is now being delivered to government school teachers and staff across Victoria and there are a range of other professional development opportunities provided through DET to build the capacity of teachers to de-escalate and manage challenging behaviours.

Thank you again for the opportunity to provide a response. For further information, please contact Carol Kelly, Executive Director, Wellbeing Health and Engagement Division

Yours sincerely

Gill Callister
Secretary

14/11/2015