

Department of Families, Seniors, Disability Services and Child Safety

Requirement to give statement about use of Restrictive Practices

Section 191 Disability Services Act 2006

Dear <insert name>¹

We are writing to you with some important information about <insert adult's name> and the supports we are providing to <him / her>. We are <using / considering the use of> restrictive practices as part of a positive behaviour support approach.

Why are we <using /considering the use of> restrictive practices as part of a positive behaviour support approach?

There are times when <adult's name> <hurts himself/herself/hurts others/damages property that would hurt themselves or others>. For example, we have observed <insert adults name> to <briefly describe the behaviour that has resulted in harm to the adult or others.>

Staff may need to use a restrictive practice/s to keep <adult's name> and other people safe. <insert brief description of proposed restrictive practice/s>. We will aim to reduce or stop using <the restrictive practice / restrictive practices> as soon as it is safe for <insert adults name> and other people.

How can you be involved and express your views?

We would like you to be involved throughout the process of <developing/reviewing> the positive behaviour support plan.

A person who has skills in working with people who use behaviour as a way to communicate when something is wrong, will be <writing/ reviewing> the positive behaviour support plan. They will meet

¹ NOTE – information for the writer of the model statement letter – please delete < insert> sections where not relevant to the individual.

with <adult's name>, family members and other people who know <adult's name> well. They will collect everyone's views to help try to understand why <adult's name> uses these behaviours. We will also seek your views regarding the use of restrictive practice/s.

The person <writing/reviewing> the positive behaviour support plan will then work with all of us to <develop/review> strategies to support <adult's name>. This may include things that we need to change or do differently so that <adult's name> won't need to use the behaviours that cause harm. This process will also help us to understand the situations that may lead to us having to use restrictive practices in the future to keep <adult's name> and others safe, and how to support <him/her> when using them. This information will be written into the positive behaviour support plan.

We will need to review the plan regularly and we would like you to be involved when the plan is reviewed to determine if the different support strategies are working and if restrictive practices are still required.

Who decides if restrictive practices will be used?

As restrictive practices may impact on <adult's name>'s human rights, it is important that someone external to <insert service provider> approves the use of them.

When the service provider first identifies that they may need to use restrictive practices to keep <adult name> or other people safe, they may need to seek a short-term approval to use the restrictive practices while they gather information and develop <adult's name>'s positive behaviour support plan prior to a general approval being sought. When this happens, the Public Guardian makes decisions about containment and seclusion. Principal clinicians in the Department of Families, Seniors, Disability Services and Child Safety (the department) will make decisions about the short-term approval of other restrictive practices.

The Queensland Civil and Administrative Tribunal (QCAT) is involved in deciding who can approve the use of restrictive practices when the positive behaviour support plan has been developed.

For example, when containment or seclusion is used by a service that provides accommodation support, QCAT itself will approve the restrictive practice.

However, for most other types of restrictive practice (for example, physical restraint or mechanical restraint), QCAT will formally appoint someone else to provide consent for the use of the restrictive practice. You can apply to QCAT to be appointed as <adult's name> decision maker for these matters.

QCAT will conduct a hearing to decide who to appoint. The Public Guardian may be appointed as a last resort, if there is no one else willing or suitable.

For some other restrictive practices, e.g. restricting access and use of some restrictive practices in respite and community access settings, you can approve these as a decision maker for <adult's name> without having to be formally appointed. You can ask QCAT to review an appointment that it has made.

Reporting on when restrictive practices are used?

It is the law that we have to report when we use a restrictive practice with <adult's name> to the NDIS Quality and Safeguards Commission. This is to help protect <adult's name>. It is also hoped that the reporting will help lower the use of restrictive practices and improve the way we support <adult name>.

How can you make a complaint?

If you have any concerns about what is happening you can contact <name of person in the organisation> on <contact details>.

If you have a complaint which cannot be satisfactorily resolved you can also contact:

- The Behaviour Support and Practice Quality Team.
- The NDIS Quality and Safeguards Commission

More information about how to make a complaint can be found in the on the department's website, under '[Make a Complaint](#)'.

Sometimes the department may not be the most appropriate agency to direct your complaint. Other key agencies in this situation are also listed on the department website's [complaints section](#).

You could also involve an advocacy organisation to help you to make a complaint, should you wish to do so. There are a number of advocacy organisations who may be able to support you.

You can ask for a review

As someone who is involved in <adult's name>'s life, you may wish to attend the QCAT hearing to provide your own views and information about the use of restrictive practices. You can also make an

application through QCAT processes for review of approvals or appointments made in relation to the use of restrictive practices.

If you have any questions about anything in this letter, please contact <insert name of contact and include their contact details>

Kind regards,