



New legislation brings positive behaviour support

New legislation for positive behaviour support and use of restrictive practices (amendments to the *Disability Services Act 2006*) commenced on 1 July 2008.

The transitional period will run for 18 months, ending on 31 December 2009. During this time, service providers are working towards meeting the full requirements under the *Disability Services Act 2006*.

Meeting the full legislative requirements from 1 January 2010

Generally, the Act specifies responsibilities for disability service providers in four key areas:

1. Before gaining approval to use a restrictive practice, disability service providers must conduct an *assessment* of the adult with whom the practice is proposed to be used.
2. A *positive behaviour support plan* must be developed that identifies appropriate strategies for responding to the adult's behaviour.
3. *Authorisation* (consent or approval) must be sought from the relevant decision maker prior to using the restrictive practice.
4. Ongoing *monitoring and review* of the positive behaviour support plan is required to measure its effects.

For *containment and seclusion*, the Guardianship and Administration Tribunal (GAAT) makes a decision on whether to approve the practice. A joint application for a hearing date is made to the GAAT Registry by the service provider and the Specialist Response Service specialist team. All GAAT approvals for the use of containment and seclusion (where it is being used) should be in place by December 2009.

For *chemical, physical and mechanical restraint*, consent is sought from a guardian appointed for restrictive practice matters by GAAT. The guardian is then able to make a decision on whether to consent to the use of the practice. An application to the GAAT Registry for the appointment of a guardian is made by the service provider.

Once an application for the appointment of a guardian for restrictive practices is received by the GAAT Registry, it can take *up to three months* before the application is scheduled for a hearing. Application processes should be initiated as a matter of priority to enable appropriate decision-makers to be in place before 1 January 2010.

Support from Disability Services Queensland

To support disability service providers to meet the full requirements under the Act, Disability Services Queensland is providing information sessions in all regions, learning circles in rural and remote areas and individual visits to funded services if requested.

Since 2008, Disability Services Queensland has offered assistance to non-government disability service providers supporting significant numbers of clients receiving restrictive practices to assist the service provider to comply with the requirements of the Act.

Non-government service providers that would like assistance to support clients in receipt of restrictive practices can contact the Specialist Response Service Implementation Branch on 1800 177 120.

For further information, please phone the Disability Information Service or visit the Disability Services Queensland website.

Freecall: 1800 177 120*

Fax: 3896 3467

Telephone typewriter (TTY): 1800 010 222*

Web: www.disability.qld.gov.au/positive-futures

Email: disabilityinfo@disability.qld.gov.au

Post: GPO Box 806

Brisbane Q 4001

* Calls from mobile phones are charged at applicable rates.

