

Protecting Vulnerable People Office of the Senior Practitioner

Tracey Harkness

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ACT
Government

Protection of Vulnerable People in ACT

- ▶ What is risk responsive regulation?
- ▶ Senior Practitioner Act (2018)
- ▶ Role of the Senior Practitioner
- ▶ Broad legislation
- ▶ Challenges
- ▶ Strategies for Success
- ▶ Current Activities

Risk Responsive Regulation

- ▶ Regulatory Practice is the professional discipline of a regulator applying the law and exercising influence to deliver on their desired regulatory outcomes and minimise harm.
- ▶ Good regulatory practice is enabled by legislative powers and regulatory tools that support a regulator to minimise harm and ensure compliant behaviours, including the ability to:
 - ▶ • communicate the required and desired behaviours of duty holders,
 - ▶ • set or communicate the objective standards that must be satisfied or met,
 - ▶ • monitor and assess compliance within and across the regulated community,
 - ▶ • enforce the law and direct compliance with relevant standards,
 - ▶ • investigate serious breaches of the law for application of a sanction or punishment, and
 - ▶ share information or refer matters to co-regulators and support compliance with the law

Senior Practitioner Act (2018)

Part 2 Objects of Act

- ▶ The objects of this Act are to—
 - ▶ (a) provide a framework for reducing and eliminating the use of restrictive practices by providers; and
 - ▶ (b) ensure that restrictive practices are used by providers only in very limited circumstances, as a last resort and in the least restrictive way and for the shortest period possible in the circumstances; and
 - ▶ (c) state principles to be taken into account by providers in providing services to people with behaviour that causes harm to themselves or others; and
 - ▶ (d) establish the role of senior practitioner; and
 - ▶ (e) regulate the use of restrictive practices by a provider in relation to a person in a way that—
 - ▶ (i) is consistent with the person's human rights; and
 - ▶ (ii) safeguards the person and others from harm; and
 - ▶ (iii) maximises the opportunity for positive outcomes and aims to reduce or eliminate the need for use of restrictive practices; and
 - ▶ (iv) ensures transparency and accountability in the use of restrictive practices.

Role of Senior Practitioner

PROMOTE UNDERSTANDING OF THE ACT:

promote the reduction and elimination of the use of restrictive practices by providers to the greatest extent possible

oversee the use of restrictive practices in accordance with this Act

develop guidelines and standards on the use of restrictive practices

PROTECTIVE/ DIRECTIVE:

ensure, to the greatest extent possible, that the rights of people who may be subject to restrictive practices are protected

ensure providers comply with any applicable guidelines and standards on the use of restrictive practice

Broader Legislation

- ▶ Definition of a provider under the Act

- ▶ ***provider***—

- (a) means a person or other entity who provides any of the following services to another person:

- ▶ (i) education;
 - ▶ (ii) disability;
 - ▶ (iii) care and protection of children;
 - ▶ (iv) a service prescribed by regulation; but

- (b) does not include—

- ▶ (i) a close family member of the other person; or
 - ▶ (ii) an informal carer for the other person; or
 - ▶ (iii) an exempt entity.

Challenges

- ▶ Resources – Small team covering up to 600 providers
- ▶ Two steps forward, 1 step back – reluctance of other systems to be regulated – Education sector
- ▶ Disability providers double reporting issue
- ▶ Consultation on changes to legislation always means longer timeframes
- ▶ Contextualising different resources and guidance material for the different contexts.

Figure 1: Plan registration totals

Authorisation Panels Held	117
Behaviour Support Plans (Plans) Registered	104
Plans registered for children and young people.	19
Chemical restraints in registered plans	120
Environmental restraints in registered plans	86
Physical restraints in registered plans	23
Mechanical restraints in registered plans	22
Seclusion protocols in registered plans	3

Figure 2: Restraint Proportions

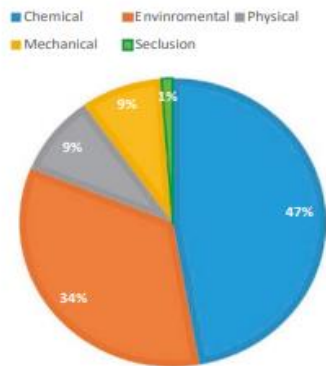
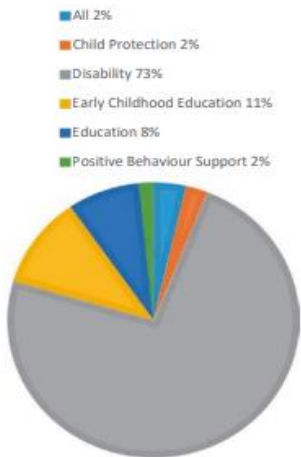


Figure 3: Information and Education Activities

ACTRIDS Support Sessions	174
Plan Quality Meetings	8
Restrictive Practice Training Sessions	19
Community of Practice Meetings	3
Plan Quality Consultations	4

Figure 4: Sector Engagement and Education



Snapshots of 2022-2023

Strategies for Success

- ▶ Systemic change
- ▶ Encouraging good governance systems within providers
- ▶ Relationships – to shape the changes and encourage good behaviour
- ▶ Some success to date
 - ▶ Agreement on the prohibited practices regulation across the Education sector and the Child Protection sector.
 - ▶ Commitment to visiting schools from Catholic, AIS and Public Education based on current reports
 - ▶ Jointly written guidance to schools about what things are not Environmental Restraints for educational settings
 - ▶ Joint education sessions to early education care providers with CECA
 - ▶ Catholic Schools have instigated a reporting system of the restrictive practices in their NSW based schools within their Diocese.

Case Studies

Mara - As a result of a consultation regarding the quality of a PBSP, the care team for a young person was able to gain a better understanding of restrictive practices and restrictive practices were removed from the young person's plan. The care team was able to identify that further consultation was required with the young person and their caregivers, but the complete elimination of restrictive practices was very likely.

John : An education session was provided to the Senior Managers of an early childhood education provider and the provider committed to developing a restrictive practice policy and procedure and has sought further support to ensure all staff across several sites also receive this education. The provider operates across multiple jurisdictions and the education and information session assisted the provider in understanding the unique ACT legislative requirements, and the difference between these and other jurisdictions.

Current Activities

- ▶ Ongoing enhancements to our ACT RIDS system
- ▶ 22 December 2023 – Regulation made to prohibit the physical restraints and punitive approaches on the nationally agreed list with a couple of additions, verbal and gestural coercion.
- ▶ Risk based compliance activities
- ▶ BAU – additional safeguards in the authorisation process.

Questions?