[INTERESTED PERSON NAME]

**RE: Statement of Consideration in using restrictive practice**

***Section 191 Disability Services Act 2006***

Dear [INTERESTED PERSON NAME]

We are writing to you with some important information about [CLIENT NAME] and the supports we are providing to her. We are considering the use of restrictive practices as part of a positive behaviour support approach.

**Why are we considering the use of restrictive practices as part of a positive behaviour support approach?**

[INSERT DESCRIPTION]

**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 the positive behaviour support plan. They will meet with [CLIENT NAME], family members and other people who know [CLIENT NAME] well. They will collect everyone’s views to help try to understand why [CLIENT 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 [CLIENT NAME]. This may include things that we need to change or do differently so that [CLIENT 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 [CLIENT NAME] and others safe, and how to support [CLIENT NAME] 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 [CLIENT NAME] human rights, it is important that someone external to Australian Quality Care approves the use of them.

When the service provider first identifies that they may need to use restrictive practices to keep [CLIENT 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 [CLIENT NAME] positive behaviour support plan prior to a general approval being sought. When this happens, the Public Guardian makes decisions about containment and seclusion. Senior clinicians in the Department of Communities, Disability Services and Seniors 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 [CLIENT 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 to objects and use of some restrictive practices in respite and community access settings you can approve these as a decision maker for [CLIENT 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?**

Legally, we must report when we use a restrictive practice with [CLIENT NAME] to the National Insurance Scheme Quality and Safeguards Commission. This is to help protect [CLIENT NAME]. It is also hoped that the reporting will help lower the use of restrictive practices and improve the way we support [CLIENT NAME].

**How can you make a complaint?**

If you have any concerns about what is happening you can contact [CLIENT LIAISON OFFICER & PHONE NO.] If you have a complaint which cannot be satisfactorily resolved you can also contact:

* The Department of Communities, Disability Services and Seniors

<https://www.communities.qld.gov.au/about-us/customer-service-compliments-complaints>

* The NDIS Commission

<https://www.ndiscommission.gov.au/about/complaints>

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, and a list can be found on the Queensland Government website here <https://www.qld.gov.au/disability/legal-and-rights/advocacy> .

**You can ask for a review**

As someone who is involved in [CLIENT NAME] 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 [CLIENT LIAISON OFFICER & PHONE NO.]

Kind regards,

Australian Quality Care