

Emma Davidson MLA

Minister for Disability

Minister for Justice Health

Minister for Mental Health

Assistant Minister for Families and Community Services

Member for Murrumbidgee

RESPONSE TO QUESTION ON NOTICE

Questions on Notice Paper No 1

4 December 2020

Question No. 65

MRS KIKKERT: To ask the Minister for Disability:

- (1) What are the complete powers, roles, and responsibilities of the Senior Practitioner?
- (2) What data does the Senior Practitioner collect in relation to people living with disability in the ACT?
- (3) What data does the Senior Practitioner collect in relation to restrictive practices?
- (4) How many full-time equivalent staff are currently employed in the Office of the Senior Practitioner?
- (5) How many staff are currently employed, what are their work classifications and what type of employment are they engaged in, i.e. full-time, part-time, casual etc?
- (6) What is the total number of complaints received by the Senior Practitioner for each year since appointment to the date this question on notice was published?

MS DAVIDSON: The answer to the Member's question is as follows:

- (1) The powers, roles and responsibilities of the Senior Practitioner are described in the *Senior Practitioner Act 2018* (the Act).

The Senior Practitioner is responsible for the implementation of the intent and objects of this Act, specifically to provide a framework for reducing and eliminating the use of restrictive practices by providers.

The functions of the Senior Practitioner are set out in section 26 of the Act and includes broad oversight and regulation of the use of restrictive practices in accordance with the Act, education and dissemination of information related to restrictive practices and the rights of people subject to restrictive practices, give advice to people who may be subject to restrictive practices and to carry out research related to restrictive practices.

The Senior Practitioner must make Guidelines (Section 12 and 21) regarding positive behaviour support plans and panels; may also make Guidelines for the Act (Section 27), respond to complaints, carry out investigations and give Directions to providers (Part 5), and share information with key entities (Part 6). Part 8 of the Act provisions regarding possible offences should restrictive practices be used other than in accordance with the Act.

- (2) The Office of the Senior Practitioner receives the names, date of birth, gender, address and service provider details for people living with a disability in the ACT who have had a restrictive practice use reported to the Office. The Senior Practitioner may also request additional information under section 22 of the Act in relation to registration of positive behaviour support panels.
- (3) The Office of the Senior Practitioner collects data on restrictive practices as described in Section 10 of the Act:
 - the name of the person on whom the restrictive practice was used;
 - whether the person was a child when the restrictive practice was used;
 - the kind of restrictive practice used;
 - for how long the restrictive practice was used;
 - the reason why the restrictive practice was used;
 - what prior attempt (if any) was made to avoid the use of the restrictive practice;
 - the effect of the restrictive practice on the person's behaviour;
 - the name of the person who authorised the use of the restrictive practice (if relevant);
 - the name of the person who used the restrictive practice.
- (4) The number of full-time equivalent (FTE) permanent and temporary staff who work in the Office of the Senior Practitioner is 4.4.
- (5) The current staff complement comprises:
 - Executive Level, Executive Branch Manager – 1 FTE.
 - Senior Officer A, Senior Director – 1 FTE.

- Senior Officer B, Director, part time – 0.4 FTE.
- Senior Officer C, Assistant Director – 1 FTE.
- Administrative Services Officer 6 – 1 FTE.

(6) There have been 23 complaints in total as at 4 December 2020. On all occasions the complaints were referred back to the Provider, who investigated. The Senior Practitioner has not, to date, instigated an own motion investigation.

- 2018: 3 complaints
- 2019: 18 complaints
- 2020: 2 complaints

Approved for circulation to the Member and incorporation into Hansard.



**Emma Davidson MLA
Minister for Disability**

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This response required 1hr 15mins to complete, at an approximate cost of \$145.19.