

Short term approval: a guide for service providers

This information sheet gives service providers a brief overview of the short term approval provisions of the *Disability Services Act 2006* and the *Guardianship and Administration Act 2000*.

What is a short term approval?

A short term approval provides time-limited authority to use a restrictive practice. This allows the time to assess the adult's longer term needs and, if required, obtain a full approval or consent for the use of a restrictive practice as written in a positive behaviour support plan.

A short term approval can be made for a maximum of six months where:

- there is an immediate and serious risk of harm to the adult or others; **and**
- the restrictive practice is the least restrictive way of ensuring the safety of the adult or others.

When to seek a short term approval

A short term approval may be appropriate after an emergency (e.g. a critical incident where a restrictive practice is used) or where a disability service provider first identifies the need for a restrictive practice (e.g. a new adult enters a service with a known history of behaviour that causes harm).

There are some instances where a short term approval cannot be given. This can include where there is:

- a containment and seclusion approval in relation to the adult;
- a guardian for a restrictive practice (general) matter; or
- a guardian for a restrictive practice (respite) matter and the relevant service provider proposes to contain or seclude the adult in the course of providing respite services or community access services to the adult.

Short term approval decision makers

There are two decision makers that can give a short term approval:

- the Public Guardian; or
- a delegate of the Chief Executive of the Department of Communities, Disability Services and Seniors. These delegates are the Principal Clinician in each region.

For containment and seclusion a short term approval can only be given by the Public Guardian.

For all other types of restrictive practice a short term approval must be sought from a Principal Clinician.

Requesting a short term approval

To request a short term approval, a service manager telephones the decision maker and discusses the situation. The decision maker may request the information they need to make a decision be

provided using the short term approval application form. The decision maker must also consult with relevant interested parties such as the adult, their guardian or informal decision maker.

The decision maker will send a letter to the service manager, within seven days of the request, stating whether or not they have decided to give a short term approval. If a short term approval is given the decision maker must outline:

- the period for which the approval has effect; and
- the conditions under which the approval is subject.

Once a short term approval is provided, the service provider should seek full approval/consent and start developing the positive behaviour support plan as soon as possible.

The service provider must also notify the department about approvals given for use of restrictive practices within 14 days of receiving the short term approval. This must be done in the approved form of Online Data Collection (ODC) reporting.

Changing a short term approval

A short term approval can only be changed or extended under exceptional circumstances. The service manager will need to discuss any such circumstances with the decision maker.

When a short term approval ends

A short term approval ceases when:

- a QCAT containment or seclusion approval is made or denied;
- a guardian for a restrictive practice (general) matter is appointed and gives, or refuses to give, consent to the service provider to use the restrictive practice;
- the term of the approval expires; or
- the service provider identifies the restrictive practice is no longer needed.

In most cases it is the service manager's responsibility to inform the decision maker of the need to end an approval.

The service provider must also notify the department in the approved form when the short term approval stops having effect. This is form 6-5 "Notification of change to a restrictive practice approval (includes cessation).

Other information

A service provider may seek a review of a short term approval decision by applying to the Queensland Civil and Administrative Tribunal.

Contact details

Telephone the decision maker (the Public Guardian) during office hours on 07 3234 0870 or 1300 653 187 (local call outside Brisbane) to request a short term approval.

For more information, please contact your regional Positive Behaviour Support and Restrictive Practices team and ask to speak to the Principal Clinician (see Contact Information).

What information should I have available?

When requesting a short term approval, to expedite the approval process, the service manager should have the following information available at the time of the initial conversation with the decision maker:

- the adult's details, including confirmation that the person is an adult with an intellectual or cognitive disability with impaired decision- making capacity about the use of restrictive practices;
- service provider details including the location of the service outlet, what disability service is being delivered to the adult, and details of any other disability services involved in the adult's support;
- information on previous or existing restrictive practices in use, including details of requests for a restrictive practice including where the Queensland Civil and Administrative Tribunal (QCAT) or a guardian for a restrictive practice matter has approved/not approved a restrictive practice;
- any guardian or substitute decision maker appointments relating to the adult;
- a description of the behaviour and harm caused to the adult or others including the immediate and serious risk of harm to the adult or others;
- where a number of critical incidents and an unapproved restrictive practice has been used, information in relation to the incident review and risk management strategies;
- a description of the restrictive practices used or required and alternative less restrictive strategies that the service provider has attempted which have proven unsuccessful;
- if chemical restraint is being requested, the name and contact details of the treating doctor and details of the consultation, including the treating doctor's views;
- if the adult is on a forensic order or an involuntary treatment order under the *Mental Health Act 2000*, whether the authorised psychiatrist has been consulted and, if so, their views;
- how the restrictive practice is the least restrictive way of ensuring safety;
- the views of the adult's significant others to the use of the restrictive practices; and
- the appropriateness of consulting with the adult directly.

The 'Short term approval application form' may assists in gathering this information. This form is available at the website below.

Further Information

For more information, contact the Positive Behaviour Support and Restrictive Practice team on 1800 902 006 or enquiries_DSA_RP@communities.qld.gov.au.

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