

Office of the Senior Practitioner

Practice Advice

Independent Person

The Office of the Senior Practitioner views the role of the Independent Person as an integral part of the provisions within the Act to safeguard the rights and improve the Quality of Life of persons with a disability who are subject to restrictive interventions.

It is a legislative requirement that an Authorised Program Officer must ensure an Independent Person is available to support the person with a disability when explaining or reviewing a behaviour management plan that includes restrictive interventions. Restrictive intervention must not commence prior to the arranged visit from the Independent Person.

Consistent with The State Disability Plan, the Victorian State Implementation Plan and A Fairer Victoria, the introduction of the Independent Person within the Disability Act 2006 reflects a commitment to the important role of **families** and to strengthening the capacity within the **community to support persons with a disability**.

The Office of the Senior Practitioner's Practice Advice is that the role of the Independent Person is best met by someone who:

1. has an awareness and knowledge of intellectual disability;
2. is eighteen years or over;
3. understand the need for confidentiality;
4. is from the person's personal support network or is a representative of the community, such as
 - parents
 - guardians
 - siblings
 - grandparents
 - aunts, uncles or cousins
 - friends
 - member of church or religious groups
 - member of local clubs; Rotary or Lions
 - member of community health centres.

The Independent Person must not be:

1. a disability service provider or a representative of a disability service provider
2. have any interest in a disability service provider which is providing services to the person with a disability (interest is defined as financial or business).

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The role of the Independent Person is to:

1. Be present when the inclusion of restraint or seclusion in a behaviour management plan is discussed by a DSP representative with the person with a disability;
2. Explain to the person that if they hurt themselves or others they will be stopped from doing this by using a restrictive intervention;
3. Assist the person to understand that a behaviour management plan is being explained or reviewed with them;
4. Confirm that the person with a disability understands:
 - What behaviour/s will cause the restrictive intervention to be applied
 - Why the restrictive intervention is proposed
 - How the restrictive intervention may differ from previous management strategies
 - That they can have the decision to include restrictive intervention in their plan reviewed
5. Inform the person that they can apply to VCAT for a review.

If a person with a disability appears unable to understand information that is presented verbally, the disability service provider must attempt to use alternative communication strategies. This may include the use of plain English, symbols or pictures.

If, after all attempts have been exhausted, the Independent Person considers that the person with a disability does not understand what it means to include restraint or seclusion in their behaviour management plan, they may report this matter to the Public Advocate, who will determine whether to refer to the Senior Practitioner or report the matter to VCAT.