



Inquiry into Annual and Financial Reports 2023–2024

Answer to question taken on notice

Asked by: Mr Jeremy Hanson MLA CSC

Addressed to: Tracey Harkness, Senior Practitioner

In relation to: Senior Practitioner for the Reduction and Elimination of Restrictive Practices

Hearing: 10 February 2025

Uncorrected Proof Transcript pp 62–64

Transcript provided: 13 February 2025

Answer Due: 20 February 2025

Tracey Harkness took on notice the following question(s):

Ms Rule: Well I am not prepared to speculate either way. I am not quite sure what data it is that you – what source your data is from, Mr Hanson. I am happy to be directed by that and happy to have a look at the data trends over time and to provide any further information that the directorate can provide on that on notice.

Mr Hanson: And am I able to ask the senior practitioner questions about whether, in her view, there is a change in reporting behaviour or whether there is a change in the number of incidents, or not?

Ms Rule: I think that is fine, to ask those questions. As I said, I just – we do not want to get drawn into the individual ups and downs on the matters in the media—

Mr Hanson: Well you may not wish to, but the committee might be interested in that.

Ms Rule: No, in terms of the matters mentioned in the media, I think that we need to be able to let the investigation run its course. In terms of the trends of the data over time, again I am happy to take on notice that we will do some analysis of the data over time and offer any further information we can to assist the committee.

Mr Hanson: Well I am asking, as a committee member, to speak to the senior practitioner to ask those questions, to get her view on it.

Ms Rule: But I do not think it is reasonable to ask for opinion. I have said that we will take it on notice to go away and—

Mr Hanson: Well no, because my understanding is, based on media reporting, that there has been a reduction in incidents being reported to the senior practitioner. I just want to confirm if that is the case, that – it is a reasonable position for me to ask.

Ms Rule: But I agree, I am not suggesting it is not. But what I have said, is we will take that on notice to do some analysis of the trends over time and to offer any further information we can to the government to assist with that.

Mr Hanson: Well I think that is unacceptable, to be frank. We have got a witness here—

The Chair: Would it be okay if he asked one question once to the senior practitioner?

Mr Hanson: But we have a witness here that is available to answer questions. It is a reasonable question to ask, about whether there has been a reduction in reporting or a change in incidents. That is what they are here to provide evidence to the committee—

Ms Rule: So all of that data is already on the public record, Mr Hanson, through the – the senior practitioner does an annual report that is an addendum to the CSD Annual Report—

Mr Hanson: Sure, and that is just what we are inquiring about, right?

Ms Rule: So I am happy for Ms Harkness to answer those questions, in relation to the data that is on the public record already.

Mr Hanson: Great. Thanks.

Ms Orr: And Mr Hanson, it might help if there is a particular form of data. If you could give us the reference within the report so that we know what it is specifically—

Mr Hanson: Yes, I have got a directorate data quoted in the September 2024 reporting. I do not have a page number. But I imagine that Ms Harkness might be aware of this. This relates to reporting from the education directorate that has evolved or changed over the years. The advice I have got here is that in 2021, all but four cases were reported to the senior practitioner. But in the following years far fewer cases made it to the senior practitioner. I am just wondering if you could speak to that and if you have looked into that issue? And looked to see whether it is a change in reporting behaviour or whether there has been a change in the number of incidents or what might be happening there?

Ms Rule: So Mr Hanson, sorry, I am not trying to run interference here, but just to be clear I think some of your questioning is the responsibility of the education directorate. I think Ms Harkness can talk to the data that she sees as the senior practitioner. But in terms of the actual – what is actually happening in the education directorate, in term of what is leading to that data, that may be a question for them.

Mr Hanson: Sure, it may be. But I understand that this is information that is in a CSD report or in your own report, not in the education directorate report. So—

Ms Orr: I think we are all just a little bit confused as to which data exactly you are referencing, Mr Hanson. And you have not been able to give us a page number. So please bear with us while we try and assist you as best we can with the limited reference to what it is we are actually specifically referencing.

Ms Harkness: Hi. Tracey Harkness, senior practitioner. I have read and acknowledge the privilege statement. I have the data from the 23 and 24 annual report in front of me. I do not have the data that you are referring to in terms of 2021 and 22, so I cannot comment on whether it has gone up or

down in those matters. I cannot do that today. I can take that on notice, as Ms Rule indicated that we could take that on notice and look at the trends.

Ms Suzanne Orr MLA: The answer to the Member's question is as follows:

The Office of the Senior Practitioner (OSP) protects human rights by regulating the use of restrictive practices in schools, early childhood centres, disability services and out-of-home care services.

The Senior Practitioner:

- regulates the use of restrictive practices by service providers;
- helps to protect the rights of people who have a positive behaviour support plan with a restrictive practice;
- investigates complaints about the use of a restrictive practice by service providers;
- provides information, training and research about positive behaviour support and restrictive practice; and
- helps service providers follow guidelines and standards on the use of restrictive practice.

The reporting of restrictive practices from the Education Directorate to the Office of the Senior Practitioner, by calendar year from 2019 to 2024, is in the table below:

Year T\total	Number of reports from Education Directorate	Trends from previous year
2024	218	25% decrease
2023	292	29% increase
2022	226	45% decrease
2021	412	37% decrease
2020	652	53% increase
2019	426	

A key role of the Senior Practitioner under the *Senior Practitioner Act 2018* (the Act) is providing information, training and research about positive behaviour support and restrictive practices to service providers, with the aim of:

- Reducing and eliminating the use of restrictive practices, and
- Ensuring restrictive practices are used only in very limited circumstances, and as a last resort.

It was anticipated that as the legislation matures and the OSP continues to educate and work with providers in embedding the regulatory framework, reporting will increase before stabilising and reducing in line with positive behaviour support interventions. This is in line with Senior Practitioner data from other jurisdictions.

Over the last two years there has been a concerted effort by the Senior Practitioner in increasing engagement and facilitating a productive working relationship between the OSP and the Education directorate. A key focus area has been the creation of a positive reporting culture and reducing the use of restrictive practices, with increased training and awareness of staff within ACT schools and within the Education Directorate itself.

An audit of the Education Directorate's reporting was completed on 19 February 2024. Following a number of recommendations, the OSP saw an increase across 2024 in the timeliness of reporting from schools. The 2025 audit of the Education Directorate's reporting is currently in the planning phase.

The OSP regularly visits ACT schools. The number of schools visited from the Senior Practitioner has increased significantly from 2023 (3 school visits were undertaken) to 2024 (where 10 visits were undertaken).

The Senior Practitioner meets with the Education Directorate on a fortnightly basis, to discuss individual student matters, as well as jointly developed and agreed support resources for Education Directorate staff to increase awareness of school's obligations under the Act. The Senior Practitioner over the last two years has seen a demonstrated effort from the Education Directorate to promote positive, proactive strategies for managing behaviours of concern, as well as completing functional behavioural assessments for those students who require that additional support.

Approved for circulation to the Standing Committee on Social Policy

Signature:

Date:

20/02/25

Minister for Disability, Carers and Community Services, Suzanne Orr MLA