



Queensland Advocacy Incorporated

Our mission is to promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

Systems and Legal Advocacy for vulnerable people with Disability

POSITION STATEMENT REGARDING
THE USE OF
**RESTRICTIVE
PRACTICES** ON
PEOPLE WITH DISABILITY

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QAI endorses the objectives, and promotes the principles, of the Convention on the Rights of Persons with Disabilities.

QAI believes that all human beings are equally important, unique and of intrinsic value. Everyone should be seen and valued as a whole person, first and foremost. The human condition is such that societies tend to devalue those who do not fit within their models of perfection.

Many people with disability experience a lifetime of devaluation from birth, through their school years and beyond. The imprint left upon people by the multiple layers of discrimination, exclusion and rejection is often a terrible burden of loneliness, pain or anger. When any, and at times the only, interaction they have with another person is in the form of a direction or instruction, a 'do this, don't do that' chorus echoed throughout the years, it is not unexpected, having regard to normal human behaviour, that some people will retreat into themselves while others will attempt to exert some will and determination. Social isolation, a lack of status or esteem is exacerbated by the proliferation of negative stereotyping which occurs within the disability sector and throughout the broader community.

This is exemplified by the preponderance of the use of the term 'challenging behaviours', which has evolved into the labelling and stereotyping of people who may, at times, communicate by using the only means available to them in times of duress. The exhibition of behaviours of concern to others is not an attribute of the person. When we address our language we can mitigate a tendency to prejudicial reactions that are reflected in our own behaviours. When actively and attentively listening to the person we can avoid adding to the angst experienced by the person and we can respond appropriately.

The use of Restrictive Practices on people with an intellectual or cognitive impairment is an issue of vital importance that touches on notions of human rights, equality, autonomy, choice, dignity and respect and pertains to a highly vulnerable, marginalised and disempowered group in our society. Restrictive Practices are imposed upon vulnerable people by those who abuse their power and exert domination over the person. The person viewed as exhibiting the behaviours of concern is restricted, thus exacerbating the problem. Therefore the perceived solution is to apply more or longer use of the particular restrictive practice or practices, entrenching and sanitising this approach as acceptable for the long term. The person gains an ill-deserved reputation that is difficult to shed.

QAI considers that, in attempting to understand a person's behaviour, it is imperative to start by understanding their life experiences; the environmental, relationship, sensory, mental health and physical factors that may be relevant; any difficulties they may face in communicating; and the situations in which they may feel unsafe, threatened or disempowered. In many circumstances, behaviour can be interpreted out of context and can be incorrectly labelled as unprovoked aggression or lack of cooperation justifying seclusion, containment or mechanical or chemical restraint when in fact, the use of Restrictive Practices is associated with an escalation in the manifestation of behaviours of concern, rather than a reduction.

QAI is firmly committed to the values of autonomy and self-determination for people with a disability and considers that, for people with an intellectual or cognitive disability, true informed consent requires that they are presented with real choices, enabled to express their views and preferences and have their autonomy and right to make decisions respected (irrespective of whether their choices may be objectively considered to be 'good' or 'bad').

QAI endorses a supported decision-making approach for people with an intellectual or cognitive disability. By this approach, the role of the supporter is to assist in scaffolding or

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People with disability should be treated with the same dignity and respect as any other human being. We believe that everyone should be given access to a means of communication and outlets for their creativity and self-expression.

QAI asserts that the use of Restrictive Practices is a violation of human rights on the grounds that such treatment, if applied as a societal norm, would not be tolerated and would be viewed as criminal conduct. The application of Restrictive Practices on people with a disability is discriminatory, cruel, inhuman and degrading treatment that must be ceased.

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