

# Restrictive Practices: A Pathway to Elimination

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# Acknowledgements

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# Royal Commission into Violence, Abuse, Neglect and Exploitation (VANE) of People with Disability

- Commenced April 2019, following advocacy by Disabled People's Organisations.
- Wide terms of reference including prevention, protection, reporting, investigation and responding to VANE + promoting a more inclusive society that promotes independence and living free from VANE.
- Broad approach to VANE.
- Issues paper and two research reports on RP.
- Final report September 2023, awaiting government response.
- Recommendations on restrictive practices: reform RP regulation, immediately prohibit some types of RP; more research on reducing and eliminating RP; prohibit non-therapeutic sterilisation.

Spivakovsky, C., Steele, L., & Wadiwel, D. (2023). *Restrictive Practices: A Pathway to Elimination*. Australia: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Report + Easy Read Summary:

<https://disability.royalcommission.gov.au/publications/restrictive-practices-pathway-elimination>

# Defining restrictive practices

Restrictive practices are legally authorised and/or socially and professionally sanctioned violence that targets people with disability on a discriminatory basis and are at odds with the human rights of people with disability.

Restrictive practices include, but are not limited to, chemical, mechanical, physical and environmental restraint and seclusion, guardianship, forced sterilisation, menstrual suppression and anti-libidinal medication, financial management, involuntary mental health treatment, and other non-consensual or coercive interventions said to be undertaken for protective, behavioural or medical reasons.

# Project aims

RQ1: What are the systemic drivers of the use of restrictive practices against people with disability? How do these differ across settings across Australia?

RQ2: What measures and strategies are most effective in addressing these drivers and reducing or eliminating the use of restrictive practices against people with disability? Does this differ by setting, or by the type of restrictive practice? What measures have been proven ineffective in addressing restrictive practices?

RQ3: Is positive behaviour support effective in reducing and eliminating the use of restrictive practices? Is it more effective in relation to certain types of disabilities, certain restrictive practices, or certain settings?

RQ4: Are there local and international models of policies and practices that have resulted in effective reduction in the use of restrictive practices?

# Project method

- Disability human rights methodology – process and outcomes
- Centring the experiences and rights of people with disability.
- Expert Reference Group.
- Review of academic and grey literature.

# Finding One: Restrictive practices are at odds with international human rights

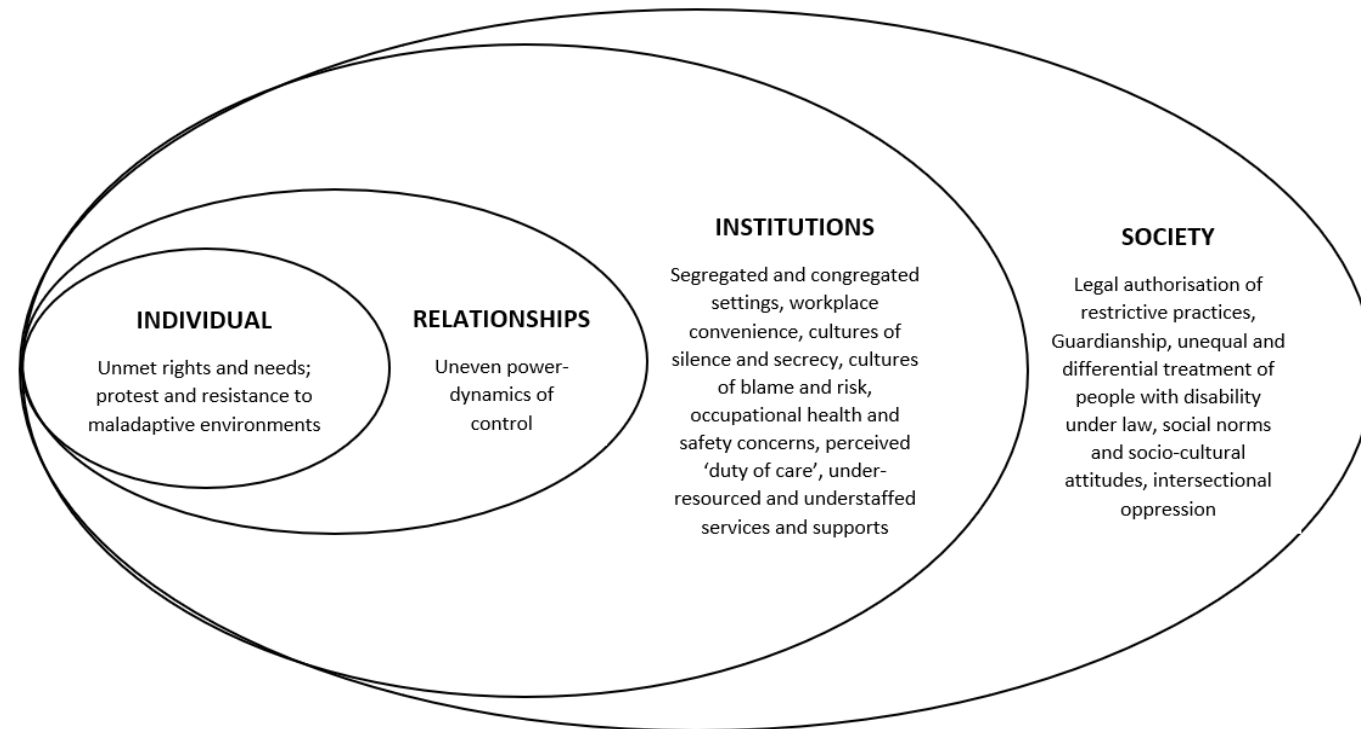
- absolute non-derogable prohibition on torture and cruel, inhuman or degrading treatment or punishment
- prohibition of discrimination against people with disability
- rights to protection from violence



# Finding Two: Restrictive practices strip people with disability of dignity

- Trauma, pain, harm and violation.
- Abandonment and neglect.
- Fear.
- Disempowering, humiliating and dehumanising.
- Cruel and punishing treatment.
- Lifelong trauma and life-altering effects.

# Finding Three: Restrictive practices occur within an ecological system of violence, coercion and control



## Finding Four: Current approaches to restrictive practices have limited or inconclusive effects

Positive behaviour support has a mixed and inconclusive evidence-base:

- An evidence-base with distinct limitations.
- A focus on staff training.
- A focus on the quality of plans, which prove to be poor quality.
- Mixed and inconclusive results about the overall effectiveness of PBS.
- The relationship between the environment and the person.

# Recommendations: Eight steps to eliminating restrictive practices

## SOCIETY

1. **Prohibit Restrictive Practices:** *End legal authorisation for use of restrictive practices*
2. **Change Attitudes and Norms:** *Support awareness raising to address discriminatory attitudes and norms*
3. **Acknowledge and Address Historical Injustice:** *Publicly acknowledge past wrongs, support truth telling*

## INSTITUTIONS

4. **Deinstitutionalise and Desegregate:** *Deinstitutionalise and desegregate environments*

## RELATIONSHIPS

5. **Recognise the Autonomy and Leadership of People with Disability:** *Support exercise of legal capacity*
6. **Utilise Trauma Informed Support Approaches:** *Reform service systems to recognise and respond to people with disability using trauma informed approaches*

## INDIVIDUAL

7. **Adequately Resource Independent Living and Inclusion:** *Fully resource and realise Article 19 CRPD rights to independent living and inclusion*
8. **Provide Redress for Victim-Survivors:** *Seek to rectify injustice through law reform and a national redress scheme*

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