What is the Senior Practitioner?

The Senior Practitioner is a role established by the [*Disability Rights, Inclusion and Safeguarding Act 2024*](https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2024-021) (the Act).

The Senior Practitioner has an important role in protecting and promoting the human rights of people with disability and authorises and oversees the implementation of restrictive practices in Tasmania.

The Senior Practitioner leads practice consultants and policy officers in the Office of the Senior Practitioner who are experts in restrictive practices and behaviour support and who assist the Senior Practitioner to perform their functions.

# What does the Senior Practitioner do?

An important part of the role is to promote the reduction and elimination of the use of restrictive practices by disability services providers. The Senior Practitioner, with assistance from staff in the Office of the Senior Practitioner:

* Authorises, oversees and reports on the use of restrictive practices by disability services providers in accordance with the Act.
* Ensures that the rights of people who may be subject to restrictive practices are protected to the greatest extent possible.
* Ensures that disability services providers comply with any applicable guidelines and standards on the use of restrictive practices.

As part of their role the Senior Practitioner will:

* Provide information in relation to the rights of people with disability who may be subject to restrictive practices.
* Develop guidelines and standards that are in accordance with best practice and the objects of the Act.
* Give directions to disability services providers about the use of restrictive practices.
* Approve Appointed Program Officers (APO). An APO is an employee of a disability services provider and ensures that the use of restrictive practices by the provider and any employee involved in the implementation of a restrictive practice is done in accordance with the authorisation of the Senior Practitioner, any guideline or direction issued by the Senior Practitioner and the person’s behaviour support plan.
* Approve the appointment of Independent Persons. An Independent Person assists a person with disability to understand their rights under the Act, particularly in relation to the use of restrictive practices.
* Give advice to disability services providers to:
* improve practices in relation to restrictive practices and the use of behaviour management techniques that may remove or minimise the need for restrictive practices.
* enable the use of restrictive practices to be reduced and, where appropriate, eliminated.
* monitor and evaluate the use of restrictive practices.

# Who can be a Senior Practitioner?

The Senior Practitioner is a senior Tasmanian State Service employee and Allied Health Professional appointed by the Secretary of the Department of Premier and Cabinet. They are a senior leader who has appropriate qualifications and experience to perform the functions and exercise the powers of the Senior Practitioner as set out in the Act.

# Guiding Principles

The Act includes principles that promote the human rights of people with disability and reflect the United Nations Convention on the Rights of Persons with Disability.

These principles apply to every person, entity and provider who is doing something covered by the Actincluding the Senior Practitioner.

There are two principles that relate to restrictive practices:

* Restrictive practices should only be used in very limited and specific circumstances as a last resort and utilising the least restrictive practice and for the shortest period of time possible in the circumstances.
* Restrictive practices should only be used where they are proportionate and justified in order to protect the rights or safety of the person with disability or others.

These principles mean that a restrictive practice should only be:

* Used in very limited and specific circumstances.
* Used as a last resort.
* The least restrictive practice possible.
* Used for the shortest time possible.
* In proportion and justified to protect the rights and safety of the person with disability or others.

# Review of Decisions

If a person does not agree with the decision of the Senior Practitioner, they can ask for a review. Types of decisions that can be reviewed include decisions:

* About authorising or not authorising the use of a restrictive practice, including any limits or conditions of the authorisation.
* To revoke or amend an authorisation regarding the use of a restrictive practice.
* About approving or not approving the appointment of an Appointed Program Officer or Independent Person, including any limits or conditions of the appointment.
* To revoke or amend an approval for appointment of an Appointed Program Officer or Independent Person.

If a person does not agree with the decision of the Senior Practitioner, they can ask for a review. In the first instance, reviews will be undertaken by the Office of the Senior Practitioner. If the person is not satisfied with the outcome of the review, they can lodge a review with the Tasmanian Civil and Administrative Tribunal (TASCAT).

# More Information

This Factsheet is a summary about the role of the Senior Practitioner. If you are interested in how the role is described in the Act please read Part 6 of the [*Disability Rights, Inclusion and Safeguarding Act 2024.*](https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2024-021)

Additional fact sheets have been prepared to support the community understand new arrangements that come into effect following the Commencement of the Act. They can be found [here](https://www.dpac.tas.gov.au/divisions/cpp/community-and-disability-services/disability-inclusion-and-safeguarding-act-2024).

For more information the Office of the Senior Practitioner can be contacted by seniorpractitioner@dpac.tas.gov.au or 6166 9199.