

Supervised treatment

Disability Act 2006

Introduction

The *Disability Act 2006* ('the Act') will become fully operational from 1 July 2007.

Compulsory treatment is sometimes used in providing support to a very small number of people with an intellectual disability who are considered to pose a significant risk of serious harm to others. Some people subject to compulsory treatment are involved in the criminal justice system and there are others who are not subject to any criminal order. Compulsory treatment for both is regulated in the Act.

For people, who are not subject to a criminal order, a new civil order is provided for in the Act. This is known as a supervised treatment order, for people with an intellectual disability who are not subject to a court order but are residing in a restrictive environment in the community.

What is a supervised treatment order?

A supervised treatment order is a civil order, made by the Victorian Civil and Administrative Tribunal (VCAT) in relation to a person with an intellectual disability (who is receiving residential services) to prevent the risk of significant harm to others.

Who is allowed to use supervised treatment?

Registered disability service providers that have the appropriate approval of the Secretary of the Department of Human Services can use supervised treatment. The Secretary is approved to use supervised treatment. To be approved, a disability service provider must include information from the disability regulations, which include:

- name, address and contact details for every premises where the disability service provider proposes to use restrictive interventions
- if the disability service provider proposes to have more than one authorised program officer, the names and qualifications of the holders of the positions at each premises where the disability service provider proposes to use restrictive interventions
- the reasons why the disability service provider considers it necessary to use restrictive interventions at any particular premises.

What is the duration of a supervised treatment order?

A supervised treatment order can be made for a period not exceeding 12 months. However, VCAT can review an application earlier and an additional order can be made if the person still requires supervised treatment.

The Act outlines a number of requirements that must be met in relation to a supervised treatment order. What are they?

An authorised program officer may apply to VCAT for a supervised treatment order for a person who meets the criteria outlined in the Act. In doing so, the Senior Practitioner must be advised, and approve the proposed treatment plan.

The treatment plan must specify:

- the treatment that will be provided
- what benefit the person can expect to receive from the treatment
- any restrictive interventions that are to be used
- outline the level of supervision required to ensure the person participates in the treatment
- outline a process to transition the person to lower levels of supervision, including living in the community without a supervised treatment order being required.

What are the responsibilities of the authorised program officer?

The key responsibility is to ensure that where supervised treatment is applied to a person with a disability, it is done in a manner that conforms to the requirements of the Act. Specifically to:

- develop a treatment plan
- submit a treatment plan to the Senior Practitioner for approval
- make application to VCAT following the receipt of an approved treatment plan, and notify the public advocate that an application has been made
- be responsible for the implementation of a supervised treatment order
- approve the premises in which a person with a supervised treatment order will reside
- report to the Senior Practitioner on implementation of the order.

What role does VCAT play in regard to supervised treatment orders?

A supervised treatment order will provide safeguards and external accountability through application and review by VCAT. Before an application can be made to VCAT, the Act requires that a treatment plan be prepared by the disability service provider and endorsed by the Senior Practitioner. The order by VCAT may include specific conditions, require a person to participate in treatment and state the intervals at which the order is to be reviewed.

For more information about supervised treatment:

Contact the Office of the Senior Practitioner by email: seniorpractitioner@dhs.vic.gov.au

For more information about the Act contact:

Disability Services Division, Department of Human Services

Telephone 1300 366 731 (9am to 5pm, Monday to Friday)

TTY: (03) 9096 0133 (for people who are deaf or have a hearing, speech or communication impairment)

Email: disability.legislation@dhs.vic.gov.au