

Disability Services and Other Legislation (NDIS) Amendment Bill 2019

AEIOU Foundation for Children with Autism Submission in response to Urgent and critical amendments to Queensland Legislation Provisions to Support the Commencement of the NDIS Quality and Safeguards Commission in Queensland.

AEIOU Foundation, established in 2005, delivers evidence-based early intervention for children with autism who are aged 2-6 years. More than 250 children are enrolled in the service each year, receiving intensive and individualised therapy. Families also access support and training.

This submission recognises and respects the rights for all persons with disability, and for those individuals with intellectual or cognitive disabilities and who have challenging behaviours.

This Bill and its subsequent amendments are essential for the safeguarding of these individuals' rights, dignity and safety. AEIOU has adopted a Positive Behaviour Support Model, which has been in place since 2013. It focusses on creating a positive environment and teaching strategies for all children, teaching 'replacement' skills which teach them skills to ensure their needs are met, and therefore, reducing challenging behaviours.

AEIOU submits three recommendations for consideration before this amendment is finalised, including:

1. National Disability Insurance Scheme ACT 2013

National Disability Insurance Scheme (Restrictive Practice and Behaviour Support) Rules 2008

Recommendation: *To clarify what constitutes as a reportable incident for a child under age six, recognising some behaviours are developmentally appropriate and do require direction and support.*

Validation

The additional time required for extensive reporting on what could be a 'once off' and typical behaviour for any child is better spent on actively teaching and guiding these children.

Background:

It is developmentally appropriate for all children under the age of six (6) to be within a 'restrictive' environment, according to the definition. For example, children under six cannot exit a premises without being accompanied by an adult.

Children under the age of six may inadvertently harm themselves or others, without necessarily exhibiting patterned, persistent challenging behaviour. It is common for children, including those with disability and those who are typically developing to explore their environment, and test contingencies (i.e. what will happen if.).

The proposed legislation will require organisations such as AEIOU to report the use of un-authorised restrictive practice if a child, for example, stands on a bench and is removed.

This should be recorded internally the first time occurs, which is a current practice at AEIOU. If the behaviour recurs or persists, assessment will occur and notification to the Commissioner would take place as a Positive Behaviour Support Plan (PBS would need to be developed).

Without this change, organisations delivering services such as AEIOU's would be expected to develop report the incident, and develop an interim PBS. Then, within six months a complex PBS. These are both extensive documents, and require follow up with monthly reporting on progress.

With more than 250 children in care at any given time, it would be expected the Commissioner would be required to review new cases on a daily basis, many of which may only occur for a short period of time and may actually represent behaviours that are developmentally appropriate. This includes children who are aged four (4), with the cognition of a two and a half (2.5) year old.

Please note, AEIOU does support the use of regulatory practices within the disability sector, and it is essential to ensure supports are safe and respectful for each individual.

2. NDIS Practice Standards and Quality Indicators

Recommendation: Board Certified Behaviour Analysts (BCBA) included as practitioners eligible to write a Positive Behaviour Plan.

Validation:

These professionals are entirely capable of creating a PBS, with empirical evidence showing applied behaviour analysis is the most effective treatment for children with autism.

Background:

These professionals are currently excluded from NDIS pricelists and anecdotal evidence suggests people are discouraged from accessing behaviour therapy support within their NDIS Plans.

However, BCPBAs are skilled professionals who specialise in the science of human behaviour and must hold a Masters Degree or doctorate in a relevant field such as Psychology, Applied Science or Applied Behaviour Analysis. They must have extensive supervision to be eligible to sit the BCBA exam. These professionals are values-based, and acknowledge all factors when assessing and caring for an individual, including human rights, in addition to ecological and social context and biopsychosocial factors. BCBAs educate staff, parents and other carers with the skills necessary to increase an individual's autonomy and achieve their goals.

Conclusion

People with learning disabilities are a vulnerable group in society. They must be protected and respected and all therapies and care must be delivered in such a way that these individuals are no more likely to experience negative consequences than their typically developing peers.

While safeguarding these people, including children, the Act must recognise that some behaviours exhibited by children are typical and are not due to their learning disability; teaching of skills must be the focus, rather than focussing on the challenging behaviour itself in order to achieve a better quality of life with autonomy and inclusion for the individual.