



Surveillance

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Surveillance and restrictive practice

What is a Restrictive Practice?

A restrictive practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability with the primary purpose of protecting the person or others from harm.

What is Surveillance?

Surveillance is the act of observing a person or place and involves tracking a person's behaviour or movement. Surveillance may include electronic monitoring of a person (such as with a global positioning system, closed circuit camera, monitor sensor alarms, video camera or monitor) or line of sight supervision.

Service providers or families may consider using surveillance of a person with disability for a range of reasons. Examples of some of the most common reasons are:

- keeping the person or others safe (particularly when accessing the community).
- collecting data about the person's behaviour.
- preventing abuse and neglect of people with disability.
- protecting staff from allegations of abuse or neglect.

Research about surveillance interventions is limited. It has not been established that there are significant safety benefits in the use of surveillance with people with disabilities. For example, in a review of evidence for the use of GPS as an intervention for development of people with autism and other developmental disabilities, Hayward et al (2016) concluded that much of the existing research is biased toward perceived safety issues and carer wellbeing rather than evidence for the efficacy of interventions themselves.

Surveillance and human rights

Surveillance can impact on the human rights of people with disability. In some circumstances, it could also be considered unlawful. That being said, surveillance may



Surveillance

enable safer explorations of people's interests and abilities, potentially broadening their horizons.

The use of surveillance may:

- breach a person's reasonable expectation to privacy, and may, in some circumstances, impact on the person's sense of dignity. For example, being subject to surveillance during personal care activities
- influence a person's behaviour in the absence of an explicit restrictive practice. For example, a person may choose not to visit an adult shop when they know they are under surveillance.
- result in different standards being applied to people with disability around dignity and privacy than what would be expected in the general community. For example, an adult in the community may reasonably expect that they will not be accompanied or monitored by others against their will. At the same time, the community would expect a parent or carer to monitor the whereabouts of a child very closely and this may include the use of devices to support the development of independence.
- result in the person having less opportunity to exercise their independence and autonomy as they desire and to take risks in their lives.

People with disability must have the same rights afforded to them, and any impact on those rights must be carefully considered in the context of a person-centred approach to providing support services.

Surveillance and Environmental Restraint

Environmental restraint is defined in the Policy as a practice which restricts a person's free access to all parts of their environment, including items or activities.

Surveillance and monitoring, while not restrictive practices in themselves, are often associated with environmental restraint. Surveillance may be used to facilitate environmental restraint. For example:

- A person with disability is only permitted to access the community with line-of-sight supervision in place due to behaviour of eating from bins in public places. The purpose of the line-of-sight supervision is to enable support workers supervising to intervene to verbally redirect the person away from a bin they may approach when accessing the community.
- A sensor alarm has been placed on a front door by a provider to alert them when someone they support is leaving their room or home so they can be verbally redirected back to their room or inside the home.



Surveillance

- A child with a disability has a history of running away. This behaviour places them at risk and his mother plans to use a GPS watch which would allow her to track movements and to find them quickly if they run away.
- A provider uses GPS to monitor a person's movements, so that they can be verbally stopped by staff when going towards a particular person's house due to concerns of illicit drug use.

It is important for the Behaviour Support Practitioner and Implementing Provider to work together with the person and key stakeholders to consider the effect of the of surveillance when determining whether it may be a restrictive practice. Some questions that may be helpful to ask when deciding whether surveillance use is an environmental restraint include:

- Is the surveillance being used in response to behaviour?
- Does the person change behaviour in response to surveillance?
- Does the surveillance result in the person being unable to access items or places in the community?
- Does the person find the surveillance restrictive?

If surveillance is used in aid of a regulated restrictive practice, the Authorisation of Restrictive Practice in Funded Disability Services Policy requirements apply.

Decision-making considerations

When thinking about the possible use of surveillance, it may be helpful to consider the following questions:

- What is the purpose of the surveillance?
- Who will benefit from the use of surveillance?
- How might the surveillance benefit the person? Does it support the person's quality of life or simply reduce risk?
- How will the person be involved in a decision to use surveillance?
- What are the possible impacts of surveillance on the person and others? Costs and benefits may include physical, emotional, psychological, ethical, and financial factors.
- What supports could be put in place to reduce risks and avoid surveillance?

Considerations for implementation of surveillance

When implementing surveillance, the following questions may support decision making:

- How has the person with disability been involved in the decision to use the surveillance? Does the person with disability understand the purpose?



Surveillance

- How will the impact on the privacy of the person be minimised? (e.g. avoiding use for personal care activities)
- How can the person with disability control the use of surveillance? (e.g. how can they be supported to deactivate the surveillance device?)
- How will the surveillance practice be limited in scope (e.g. use for particular events or a specific time of day rather than constant use)?
- How will the information arising from the surveillance be kept confidential?
- Who will have access to any information gathered from surveillance?
- How will the person with disability access the information collected from surveillance?
- How will records from surveillance be stored and disposed of?
- Does the use and planned disposal of the surveillance comply with relevant legislation?
- What process will be put in place to review the use of the surveillance and reduce and cease it over time?

References

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- National Disability Insurance Scheme Quality and Safeguards Commission. Surveillance Technology Practice Guide (August 2022).

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