



Appendix B: E Lane response to A Reilly, 25 July 2024



 Director of
Forensic Disability

Your reference: 2022/08221
Our reference: DFD COM 009-2024

25 July 2024

Mr Anthony Reilly
Queensland Ombudsman
GPO Box 3314
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Sent by email: investigations@ombudsman.qld.gov.au

Dear Mr Reilly

Investigation of the implementation of recommendations made in the 2019 Forensic Disability Service (FDS) report

Thank you for the opportunity to provide a comment on the proposed report.

I welcome your report and recommendations. I note your recognition of improved systems and processes and recommendations for continuous improvement. I am committed to supporting improvements at the Forensic Disability Service (FDS), within the functions of my role.

The Director of Forensic Disability has issued policies and procedures that align with the *Forensic Disability Act 2011* (FDA) and provide guidance in relation to areas of practice that you have highlighted in your report including individual development planning, use of regulated behaviour control, transfer of responsibility and exit from the FDS and human rights. Policies and procedures were updated in January 2023 and are due for review by 2026. However, where it is identified that clarification or improvements may assist in better supporting the proper administration of the FDA, I am supportive of reviewing and updating policies and procedures as required.

The Director of Forensic Disability has developed a compliance and monitoring framework that is reviewed annually. The framework is underpinned by principles of risk, proportionality, transparency and accountability, and impartiality and objectivity. In

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undertaking compliance and quality improvement activities, the Director seeks to understand how legislation and policies and procedures are given effect and makes recommendations to ensure compliance and for quality improvement. Your report includes a range of findings and recommendations in practice areas that align with compliance monitoring and quality improvement activities that have been, and will continue to be, undertaken by the Director of Forensic Disability, including individual development planning, rehabilitative programs, assisting clients with their medical needs and regulated behaviour control. These activities provide a platform to engage with the FDS to develop and monitor continuous improvement actions to ensure the protection of the rights of clients and that clients' involuntary detention, assessment care and support complies with the FDA.

The Director of Forensic Disability recognises the importance of progressing safe transition for clients and preventing extended stays and continues to engage with the FDS and other relevant stakeholders to ensure that there is an ongoing focus on working towards client transition.

I support your recommendation in relation to reviewing the *Forensic Disability Act 2011* (FDA). A review of the operation of the FDA was undertaken in 2018 by the Department of Communities, Disability Services and Seniors and proposed that a number of amendments be considered to enhance the legislative framework. A further review of the FDA would assist in identifying any amendments that may be required, including in relation to the use of seclusion.

In progressing any recommendations, there is a commitment by the Director of Forensic Disability to work with the Department to clarify and identify each of our roles in undertaking and/or supporting activities that will contribute to ongoing improvements at the FDS.

Yours sincerely

Elizabeth Lane
Director of Forensic Disability

