



Director of Forensic Disability POLICY

Title: The Keeping of Records at the Forensic Disability Service

1. Policy Statement

The keeping of records is an important factor in the protection, care and support of forensic disability clients detained in the Forensic Disability Service (FDS).

This policy outlines the Director of Forensic Disability policy with regard to recordkeeping at the FDS.

2. Purpose

The purpose of this policy is to outline the relevant recordkeeping provisions of the *Forensic Disability Act 2011* (the Act) to ensure that the Director of Forensic Disability can monitor and audit compliance with the Act.

The purpose of making and keeping full and accurate records at the FDS is to ensure that decisions about a client's overall management, care and support are consistently created and managed to a sufficient standard and quality in accordance with legislative obligations.

3. Scope

This policy applies to the FDS and all FDS staff. The Administrator, Senior Practitioners, Authorised Practitioners and other persons performing a function or exercising a power under the Act must comply with this policy.

4. Authorising Legislation

Section 91 of the Act.

5. Policy

The Act imposes recordkeeping obligations on specific officers. The following table sets out legislative obligation and the officer who must comply:

Recordkeeping Obligations under the Act

No.	Section of the Act (or Forensic Disability Regulation 2022 (FDR))	Topic and title of legislative provision
Senior Practitioner		
1.	s17(4)	Individual Development Plan – Changing Plan
2.	s19(2)	Assessment of client – Regular assessment of client
3.	s51(1)	Prescribed behaviour control medication – Obligations of Senior Practitioner
4.	s51(2)	Administering behaviour control medication – Obligations of Senior Practitioner
5.	s57(c)	Restraint – Obligations of Senior Practitioner and Authorised Practitioner
6.	s62(3)	Seclusion – How authorisation of seclusion is given
7.	s63(4)	Seclusion - Obligations of Senior Practitioner and Authorised Practitioner
8.	s64(3)	Seclusion – Other obligations if Authorised Practitioner places client in seclusion in urgent circumstances
9.	s80(2)	Search - Record of search

Authorised Practitioner		
10.	s63(4)	Seclusion - Obligations of Senior Practitioner and Authorised Practitioner
11.	s64(1)(b)	Seclusion - Other obligations if Authorised Practitioner places client in seclusion in urgent circumstances
12.	s65(3)	Seclusion - When Authorised Practitioner may end seclusion or return client to seclusion.
Administrator		
13.	s74	Register - Register of use of regulated behaviour controls
14.	s3 FDR	Register - Register of use of regulated behaviour controls - Act s74
15.	79(5)	Written record - What happens to thing seized
16.	s5 FDR	Records about forensic disability clients
17.	s105	Register of practitioners and other persons
Doctor and/or nurse attending to FDS client		
18.	s52(4)	Psychiatrist review - Review of client's behaviour control medication
19.	s144(7)	Administers medication - Administration of medication for particular purpose
20.	s145(4)	3 monthly medication review - Review of client's medication

Other persons		
21.	s154(2)	Communication problems - Ensuring client understands things told or explained to the client

Records regarding legislative decision making and functions must be recorded on the Forensic Disability Act Information System (FDAIS) where this functionality exists (including utilising built in functionality, case noting information and/or attaching paper-based documents to the system where appropriate). FDAIS is an electronic information management system which forms a key component of the client file. Records regarding a client may also be held on other forms of the client file including FDS electronic file management system (e.g., iDOCS) or a physical client file. The Administrator must ensure that staff at the FDS comply with their legislative requirements in relation to the keeping of records.

6. Recordkeeping requirements under the Public Records Act 2002

The FDS is a business unit of the *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships*. As such, certain obligations are imposed on the FDS by the *Public Records Act 2002* (PR Act). For example, under section 7 of the PR Act, the FDS must keep full and accurate records of its activities and have regard to standards and guidelines made by the archivist about the making and keeping of public records.

The *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships* has policies and procedures addressing the governance of records – these policies and procedures apply to the FDS (for example, please refer to *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships – Corporate Services Policy and Procedure – Records Governance et al.*).

The *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships – Corporate Services Procedure – Records Governance* states amongst other things:

“It is the responsibility of all departmental employees to ensure records of all business activities and decisions are adequately documented, preserved and made accessible for as long as required.”

In accordance with the abovementioned departmental procedure, FDS staff members must ensure important client records referred to in the Act are maintained and placed on the client file, such as the client’s Individual Development Plan and Limited Community Treatment records. Furthermore, FDS staff members should **document** client observations and interactions with the client relevant to the client’s detention, assessment, care and support.

The Administrator should ensure that all FDS staff are aware of the *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships - Policies and Procedure* in relation to the documentation and governance of records at the FDS.



7. Proviso

Any suggestions made by the Director of Forensic Disability in relation to the documentation and governance of records at the FDS may be overridden by departmental policy and procedure. The FDS is a business unit of the *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships* and as such the FDS must comply with policies and procedures of the *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships* (for example human resource, financial and other administrative recordkeeping).

The legislative functions and powers of the Director of Forensic Disability do not extend to issuing policies and procedures in relation to general recordkeeping at the FDS – a business unit of the *Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships*.

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Designation: Director of Forensic Disability

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